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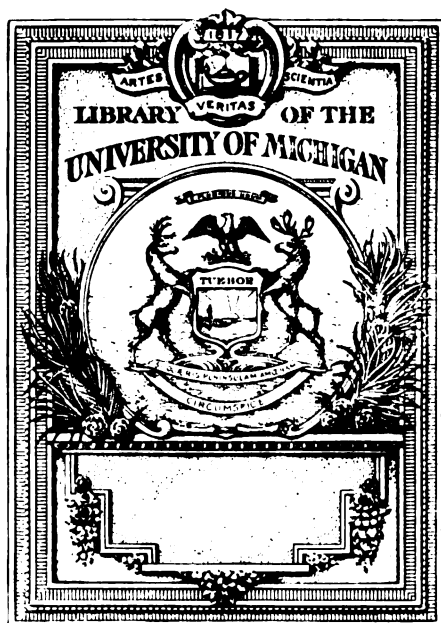
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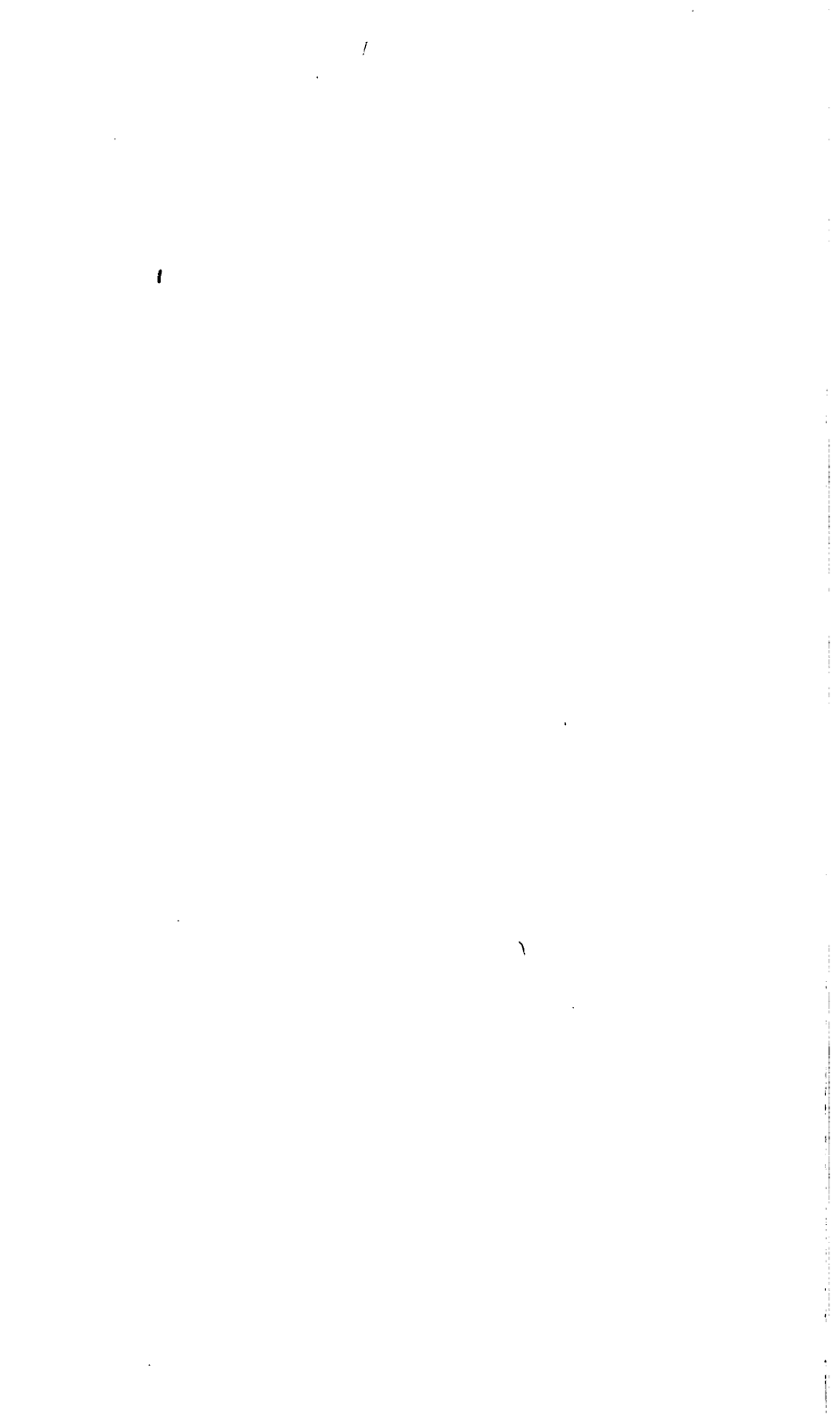


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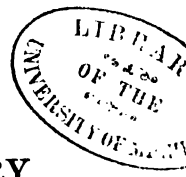
THE BRITISH EMPIRE.

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A

CONSTITUTIONAL HISTORY
OF THE
BRITISH EMPIRE

FROM THE ACCESSION OF CHARLES I.
TO THE RESTORATION:

WITH AN INTRODUCTION, TRACING THE PROGRESS OF SOCIETY AND OF THE
CONSTITUTION FROM THE FEUDAL TIMES TO THE OPENING OF THE
HISTORY, AND INCLUDING A PARTICULAR EXAMINATION
OF MR. HUME'S STATEMENTS RELATIVE TO THE
CHARACTER OF THE ENGLISH
GOVERNMENT.

BY GEORGE BRODIE, ESQ.

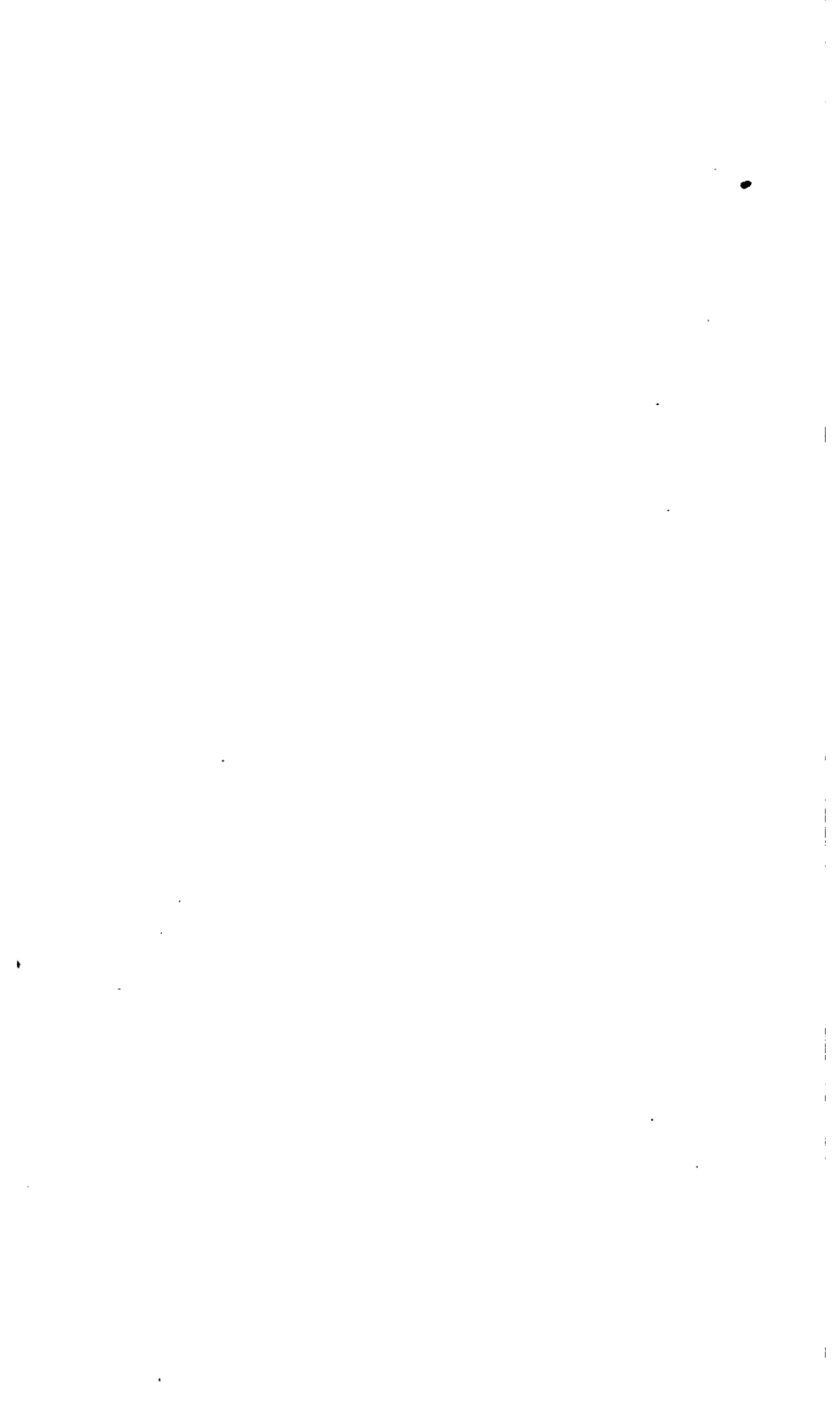
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CONSTITUTIONAL HISTORY

OF THE

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CHAPTER I.

FROM THE DISSOLUTION OF THE THIRD PARLIAMENT TILL THE
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QUEEN, LAUD, WENTWORTH, EARL OF STRAFFORD, NOY, ETC.—
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MONEY—CASE OF HAMPDEN.

2 HAVING now, after a fair trial, fully discovered that parliaments were not to be converted into passive instruments of his will, Charles determined to renounce the use of assemblies which he could not control, and, by assuming the whole powers of the legislature, to disregard all the forms, as well as the spirit, of the constitution. He even issued a proclamation, in which he forbade the very mention of another parliament, as he, who alone had the power, was the best judge when to assemble it, and declared that, though such an event might happen, it could only be after the country had evinced a better disposition, and the vipers of the commonwealth had suffered the condign punishment of their demerits.* We now, then,

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Charles publishes a proclamation forbidding the mention of another parliament.

* Rush. vol. ii. p. 3. See also previous declaration already referred to, Vol. i. *Append.*

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Character
of the
queen.

enter upon a new epoch of this reign, and therefore we shall take a view of the leading characters that governed public affairs.

The queen was of a small stature, yet she was reckoned handsome. Her countenance was pleasant, her manners were sprightly ; * but her fidelity† to the marriage bed is not unquestionable ; and her temper, naturally violent and haughty, had been encouraged, not restrained, by her early situation and habits. Her religion, and the ideas imbibed by her, even in infancy, regarding the unlimited obedience of the subject, were repugnant to the feelings of Englishmen. The unhappy terms on which at first she lived with her husband terminated with the existence of Buckingham, the envious disturber of her peace ; and she immediately began to acquire that ascendancy over Charles which proved calamitous to both. Two apparently inconsistent qualities have been remarked in this prince—uncommon obstinacy, and yet diffidence in his own judgment ; but the inconsistency is more apparent than real. A great mind pursues the mature dictates of its judgment, unmoved by a senseless cry of opposition, while it is ever ready to listen to sound reasons for altering its course : obstinacy is the offspring of humour and passion, and, as it has not the sanction of the understanding, which it is yet anxious to impose upon by specious arguments, it looks abroad for the support of another's judgment. If a person with such a disposition have power, the flatterer is ever at hand to study his humour and watch the favourable moment for confirming it, till he who began to falter under the general censure follows his predetermined course with new alacrity. The flatterer is now consulted on every emergency, and by still attending to his patron's master-passion, rules him in most par-

* *Ayrc. MSS.* 4161, Brit. Mus. vol. ii. Let. July 2d, 1625.

† In the first edition I had said that her original fidelity to her husband was undoubted. It has been

with pain that I have, on attending to certain authorities, and reflecting farther on her whole life, been led to a different conclusion.

ticular instances. False pride, and an extreme love of power, propelled Charles to violent courses ; but, obstinate as he was, his fortitude might forsake him as the precipice disclosed itself ; and then the queen's imperious temper, when not affected by a sense of personal danger, coming in timely aid of his wavering purpose, would give her the ascendancy.

As Laud was noted to be the most intimate adviser of the king after the death of Buckingham, a sketch of his character is particularly requisite towards a correct knowledge of the ensuing events. Even at college he was suspected of Popery, to such a height did he carry the pretensions of the clergy, with all the tenets of the Romish religion except the mere supremacy of the pope.* The divine institution of bishops, whence he would have attached unconstitutional power to them ; the use of images and ceremonies, the tutelar protection of saints and angels, and the invocation of saints ; the adoration of the altar ; the real presence (he stickled for this, while he denied transubstantiation) ; and a commemoration sacrifice, as he termed it ; auricular confession, and absolution, were amongst his most favourite principles. The Romish, he maintained to be the mother-church, and—though defiled with some impurities, which, however, he never defined—to agree with the English in fundamentals, particularly in sacraments. Master of the scholastic learning connected with his peculiar tenets, he yet had neither taste for polite literature, nor comprehension for profounder studies. His writings—I refer particularly to his chief work, ‘The Conference with Fisher the Jesuit’—as they are full of syllogistic subtlety in maintaining unmeaning or at best insignificant distinctions, show an acute but a little mind, and afford no mark of any vigour of intellect.† Regarding the crown not only as the

* See Abbot's *Narrative* in *Rush*, also Heylin's *Life of Laud*, Introduction and early part.

† See Heylin's *Introduction to the Life of Laud*, in regard to principles and the Life itself ; Baillie's *Canter-*

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fountain of all his own hopes, but as the surest support of the altar, he laboured no less assiduously to promote the cause of royalty, by inculcating the divine right of kings and the incontrollableness of their powers, than to advance the authority of his order.

Entering the world without patrimony or friends, it is not wonderful that he remained long in obscurity ; but the first great act of his life showed how ready he was to make any great sacrifice for patronage. In 1605, he filled the office of chaplain to Charles Blount, eighth Lord Mountjoy, created by James earl of Devonshire, whose services in Ireland, when Lord Mountjoy, entitled him to high marks of royal favour. This nobleman had long lived in adulterous intercourse with Penelope, daughter of Walter Devereux, earl of Essex, and wife of Lord Rich, afterwards earl of Warwick—conduct which, notwithstanding the licentiousness of a few, was strange to the habits and abhorrent to the sentiments of the people ; yet Laud, far from shunning the service of a person, however eminent in station, who thus shamelessly set at open defiance one of the first maxims of religion and laws of morality, as well as public opinion, was unprincipled enough to minister to his patron's passion by prostituting his holy calling to give the appearance of sanctity to the connection. Though the lady was the mother of many children to her husband, he performed the sacred rites of marriage over the profligate pair—an offence against both the civil and religious institutions of his country, which, according to his own confession, he committed against the dictates of his conscience ; nor could he advance the

bury's Self-Conviction, Prynne's *Necessary Introduction to the Trial of Laud*, *Breviate*, and *Hidden Works of Darkness*. Then as Laud approved of Montague's, Cosen's, and Heylin's works, we must consequently also refer to them. See also Laud's own work, *Conference with Fisher the Jesuit*, passim ; but par-

ticularly about Tradition, pp. 58-9 ; Baptism, pp. 56-7 ; Real Presence, pp. 286-7. Also Speech in Star Chamber. Madame de Motteville says that Laud was a Catholic in his heart, and advocated all measures for the final introduction of that worship.

plea of youthful inexperience, were it even admissible in such a case, since he had then completed his thirty-second year. CHAP.
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With a view of recommending himself at court as a peculiarly staunch supporter of principles which James anxiously promoted, he studied to fill the royal ear with complaints against others, as inclining to more popular tenets ; and Laud soon proved himself the fittest instrument to provide him with the requisite materials. Reading at Oxford, the hopeful aspirant after clerical preferment—that he might communicate grateful information to his patron, and thus secure his interest—made it his duty to discover a ground of quarrel in the lectures of the public readers, as well as to ascertain what works were in the press, and scan their principles. Primed with intelligence from Neil, his watchful zeal for the throne and the altar shone conspicuously within the sphere for which it was calculated ; and as it met the proper return, he rewarded his agent by introducing him to court. But the favourite was not to be diverted from his purpose ; and when the bishopric of St. David's became vacant, he employed Williams, who, as one of his creatures, durst not refuse the duty assigned him, to mediate with the king to bestow it upon Laud. The dialogue which Williams held with his majesty on the occasion is so characteristic that we cannot forbear from transcribing it from Hacket's life of that prelate :—‘Well,’ says his majesty, ‘I perceive whose attorney you are. Stenny hath set you on. You have pleaded the man a good Protestant, and I believe it ; neither did that stick in my breast when I stopped his promotion. But was not there a certain lady that forsook her husband and married a lord that was her paramour ? Who knit that knot ? Shall I make a man a prelate—one of the angels of my church—who hath a flagrant crime upon him ?’ ‘Sir,’ says the lord keeper, very boldly, ‘you are a good master ; but who will dare serve you if you will not pardon one fault, though of a scandalous

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size, to him that is truly penitent for it? I pawn my faith to you that he is heartily penitent, and there is no other blot that hath sullied his good name. Velleius said enough to justify Murena that he had but one fault, *sine hoc facinore potuit videri probus.* 'You press well,' returns the king, 'and I hear you with patience; neither will I revive a trespass any more which repentance hath made dead; and because I shall not be rid of you unless I tell you my unpublished cogitations. The plain truth is, I keep Laud back from all place of rule and authority because I find he hath a restless spirit, and cannot see when things are well, but loves to toss and change, and to bring matters to a pitch of reformation floating in his own brain, which may endanger the steadfastness of that which is in a good pass, God be praised! I speak not at random; he hath made himself known to me to be such a man; for when, three years since, I had obtained of the Assembly of Perth to consent to five articles of order and decency in correspondence with this Church of England, I gave them promise, by attestation of faith made, that I would try their obedience no farther anent ecclesiastic affairs, nor put them out of their way, which custom had made pleasant to them, with any new encroachment. Yet this man hath pressed me to invite them to a nearer conjunction with the liturgy and canons of this nation; but I sent him back again with the frivolous draught he had drawn. It seems I remembered St. Austin's rule better than he: *Ipsa mutatio consuetudinis etiam quæ adjuvat utilitate, novitate perturbat.** For all this, he feared not mine anger, but assaulted me again with another ill-fangled platform to make that stubborn kirk stoop more to the English pattern; *but I durst not play fast and loose with my word.* He knows not the stomach of that people. But I ken the story of my grandmother, the queen regent: that, after she was inveigled

* There is much shrewdness in all this; but, unfortunately, in practice

James forgot his maxims, and this of St. Austin's in particular.

to break her promise to some mutineers at a Perth meeting, she never saw good day, but from thence, being very much beloved before, was despised of all the people.' Williams condemned this part of Laud's conduct, not for its wickedness but dangerous consequences, yet continued to press his suit: 'And is there no whoe but you must carry it?' said the king; 'then take him with you, but, on my soul, you will repent it;' and so went off with anger in his looks and other ominous words in his mouth.*

Having thus been instrumental in obtaining a bishopric for Laud, Williams heaped upon him other marks of his favour. The revenue from the prelacy was small, therefore he continued Laud in his prebend of Westminster, and, within a twelvemonth, conferred upon him, unsought, a living of about 120*l.* a-year. When the news of this last gift was carried to Laud, he burst out into these extravagant words to the messenger: 'Mr. Winn, my life will be too short to requite your lord's goodness.'† Yet Williams soon discovered with what prophetic truth the king had warned him of his danger. Mounted thus far, and daily finding himself faster rooted in the favourite's affections, Laud raised his hopes to the highest dignity in the church, as well as to great influence in the cabinet; and as Williams appeared to be his only rival, he laboured to supplant and ruin the very man to whom he had vowed a life of gratitude. The visions that filled his waking thoughts disturbed his slumbers. His dreams he faithfully recorded with superstitious reverence, and from those that related to his rival he drew an augury of success. Buckingham's absence in Spain opened a new field for the exercise of his talents, and Williams sank under them. Had the latter quietly retired to his bishopric, he might have been permitted to live in security; but as no ill-treatment discouraged him from the most ardent professions of devotion to his great patron and to the king,

* Hacket's *Life of Williams*, part i. pp. 63, 64.

† Hacket's *Life of Williams*, part ii. pp. 65, 66.

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and he seemed more than once in a fair way to recover his ground, a restless and tormenting jealousy urged Laud to 'batter him with new and old contrivances for fifteen years.' His own breast reflected the scorn and hatred he had inspired. He anticipated the revenge he merited, in the event of a change of fortune, and he saw no safety but in the utter ruin of his former benefactor. Sequestered from the exercise of his prelacy, deeply injured in his circumstances, and a prisoner in the Tower, Williams was still an object of terror. The only condition on which Laud agreed to withdraw his malice was, that he resigned his bishopric, and retired to Ireland. But this the other positively refused, declaring that, if he went thither, he should fall under the power of a man (Wentworth) who in a few months would find out some old statute or other to cut off his head.*

Placed at the head of the ecclesiastical and civil government, Laud betrayed all the presumptuous insolence of a little mind, intoxicated with undeserved prosperity. He assumed the state of a prince, and, by the ridiculous haughtiness of his manners, disgusted men of high rank and influence in society who were attached to his measures.† But he had now an opportunity of displaying that restlessness of disposition imputed to him by the late king. Besides the ambition of raising the body of which he stood at the head, he was inspired with the notion of glory that would redound to him from bringing the church

* In the account of the persecution of Williams this shall be proved; therefore we abstain from loading our pages with references here.

† See a curious instance of this in Clarendon's *Life* by himself, vol. i. p. 69 *et seq.* The popular party reproached Laud with his birth; but if they had then had no better ground of attack it would have justly been despised. Yet it must be confessed, that a person without birth, who, presuming on his elevation, treats other men of a then lower sphere in

society with scorn, has no cause to complain of being reminded of his origin. Laud felt this attack most severely (see Heylin's *Life* of him, p. 47; see Bastwick's *Litany*; May's *Hist.* p. 28; Hutchinson's *Mem.* vol. i. p. 133). By the way, how should young Hyde, who truckled to Laud, have yet been on such terms with Strafford and Essex as that they were ready to trust him on anything that was most secret (*Id.* p. 69)? Was not this serving different masters?

back to her native principles—in other words, restoring the power of the priesthood—and introducing again everything mischievous in the Catholic worship. But, like all men of strong passions, he counteracted his object by his haste to accomplish it. In order to raise the clergy, he procured for them the civil offices of state. But this necessarily alienated many of the principal families, who thus saw themselves precluded from situations to which they imagined their birth and station entitled them. Then, in the prosecution of his schemes for reforming religion, he hurried on, without regard to popular feeling. The discontent which he occasioned served only, by wounding his pride and exciting his fears, to push him into greater extremes. The insidious calm produced by his tyrannical courses—a calm ready to burst into a storm—he, viewing matters through the mist of his own contracted prejudices, and ignorant of the world, mistook for submission to authority. In the expression of public feeling, which is generally spent in words, he discovered a principle of hostility, which would only be content with the absolute overthrow of the hierarchy. Hence, the very fear which should have inspired moderation, operating on a narrow and extremely irritable mind, kindled persecution—terror being the natural parent of cruelty; and, to crush disaffection, he pursued measures which set the empire in a flame.

That Laud was somewhat convinced of the importance of his innovations in a religious sense may be admitted; for men seldom follow the dictates of ambition, and invent arguments to convince others, without becoming converts to the principles they inculcate; and, as a person liberally educated, he was remarkably prone to superstition. His diary is extremely succinct, yet a large portion of it comprehends a circumstantial account of his dreams. Every little incident was regarded as an omen: the very entrance of two robin red-breasts into his study startled him, and is particularly related. Much of this

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may no doubt be ascribed to the age, but no inconsiderable portion of it must also be imputed to the individual. Great pains have been taken to expose the Puritans to ridicule for their superstition, but few of them were so deeply imbued with it as Laud.

Such was the man to whom the happiness of millions was entrusted.

Wentworth

The next great actor in the following tragic scenes was Sir Thomas Wentworth, of Wentworth-Wood House, successively created a baronet, a viscount, a privy councillor, lord president of the North, lord deputy of Ireland, and, last of all, earl of Strafford and lord lieutenant of Ireland. We have already remarked that a great mistake has existed in regard to this individual, in consequence of his having been confounded with Thomas Wentworth, esq., the member for Oxford; and that so far from having commenced his career the avowed and ardent friend of liberty, and having been seduced from his principles and party by the tempting offers of the court, he set out with the ambition of place, under the favourites who were most obnoxious to popular resentment.

Wentworth was the man of largest family inheritance in Yorkshire, and feared one rival only in the county—Sir John Saville. The nobility in that age kept much aloof from the Commons, but Wentworth's property rendered him an exception; for, in 1611, while he was yet only eighteen years of age, still under a governor, and his father was alive, he married Lady Margaret, eldest daughter of Francis, earl of Cumberland. He was knighted in the same year; and, in 1613, returned member for Yorkshire. Lady Margaret died in 1622, and in February, 1625, he married another earl's daughter, Lady Arabella Hollis, daughter of the Earl of Clare*—a lady of uncommon beauty and accomplishments, but whose untimely death he is alleged to have occasioned by a blow upon the

* Sketch of his Life by Sir George Radcliffe.

breast, when she was far advanced in pregnancy, because she, having accidentally lighted upon a letter from one of his mistresses, reproached him for his infidelity.* A man of Wentworth's family influence and alliances could not fail to be regarded as an accession to either party; and he possessed talents and prudence to avail himself of the advantages of fortune. In the very outset of life he attached himself to ministers, and only kept a politic reserve to enhance his price and testify his dissatisfaction at certain treatment which he received. So far back as 1617 he complained of ill-usage. His rival, Saville, who was far advanced in life, had held the office of *custos rotulorum*; but in consequence of some displeasure at court, the office was taken from him and bestowed on Wentworth. Saville, however, regained his majesty's favour, and with it that of office, to the great chagrin of his rival. Though much piqued at this, Wentworth still professed devotion to the court, and in 1620 strenuously exerted himself for the election of Sir George Calvert, principal secretary of state, along with himself, to the exclusion of Saville. Nor do his communications to his ministerial friends bespeak his imputed patriotism.† But

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I

* Baillie's *Letters*, vol. i. p. 291.

† *Letter* to Sir George Calvert, Knt. Principal Secretary of State, December 5, 1620:—'*May it please you, Sir,*—The parliament writ is delivered to the sheriff, and he by his faithful promise deeply engaged for you. I find the gentlemen of these parts generally ready to do you service. Sir Thomas Fairfax stirs not, but Sir John Saville, by his instruments exceeding busy, intimating to the common sort, underhand, that yourself, being not resident in the county, cannot by law be chosen, and, being his majesty's secretary and a stranger, one not safe to be trusted by the country; but all this, according to his manner, so closely and cunningly, as if he had no part therein; neither doth he as yet further declare himself than only that he

will be at York the day of the election, and thus, finding he cannot work them from me, labours only to supplant you. I endeavour to meet with him as well as I may, and omit nothing that my poor understanding tells me may do you service. My lord president hath writ to his freeholders on your behalf, and seeing he will be in town on the election day, it were very good he would be pleased to show himself in the Castle-yard, and that you write him a few lines taking notice you hear of some opposition, and therefore desire his presence might secure you of fair carriage in the choice. I have heard that when Lord Darcy opposed Sir Thomas Lake in a matter of like nature, the lords of the council writ to Sir Francis to desist. I know my lord chancellor is very sensible of

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I.

it was not to one minister only that he attached himself: he assiduously laboured to gain the patronage of Buckingham, of Williams, of Middlesex, of Weston—with a sycophantish meanness, too, which would have been deemed irreconcilable with a temper haughty and overbearingly insolent as his, did we not know that unprincipled ambition controls every other passion, and that men generally exact the undue homage they pay.*

In parliament, he was so far from adopting the ardent language of the popular party, or yielding to the natural impetuosity of youth, that, in all great questions, he was cautiously reserved; indeed, his rule of action is clearly

you in this business; a word to him, and such a letter would make an end of all. Sir, pardon me, I beseech you; for I protest I am in travail till all be sure for you, which emboldens me to propound these things to you, which notwithstanding I submit to your judgment. Sir, I wish a better occasion wherein to testify the dutiful and affectionate respects your favour and nobleness may justly require from me. In the mean space, pray the Almighty still to increase your honour and happiness, and so remain in the faith and perseverance of being your honour's humbly to be commanded' (*Letters and Dispatches*, p. 10). In a letter to Sir Arthur Ingram, on the same subject, after stating in nearly the same language Saville's legal objection, &c. to Calvert, he says that Saville tried to raise himself by popular language, as, 'Whereas himself is their martyr, having suffered for them, the patron of the clothiers, of all others the fittest to be relied on' (Dec. 6, 1620, vol. i. p. 11). By the way, we shall afterwards give some account of the powers exercised by the presidents of the North, whose interposition Wentworth desired (see *Letter* to Calvert, April 28, 1623; see other letters to him).

* *Letters and Dispatches*, vol. i. p. 16. In a letter to the Earl of Middlesex, then lord high-treasurer, he says: 'My

most honoured lord, whereas you have been pleased to continue by commission your trust upon me for this year's receipt of his majesty's revenue in these parts, I must necessarily judge the same to proceed forth of the wonted good opinion your lordship hath ever been pleased, out of your nobleness, to retain and esteem me in; which, indeed, is no small comfort to me.' He then humbly requests that the office might be given to Mr. Wetheridd, and says: 'All which, notwithstanding, I humbly submit to your lordship's more weighty judgment, as one ready to obey your commands in all things, and prepared cheerfully to undergo any service you shall be pleased to impose upon me. Thus, my lord, with the true and constant acknowledgment of that duty and service wherein I must ever profess myself to be most justly bound unto you, I will conclude and humbly take leave, &c.' Middlesex was obnoxious to a haughty aristocracy for his sudden elevation. To have despised the prejudice would have been meritorious; but Wentworth was the proudest of the proud. He got a herald to fetch his pedigree from John of Gaunt (Howell's *Fam. Let.* p. 211; *Straff. Let. and Disp.*, *Let.* to Wotton, Nov. 8, 1617, April 8, 1620, pp. 5, 6. See also *Letters in Biog. Brit.* Wentworth. See *Letter* from Sir A. In-

developed by himself in the following words, which form part of a letter to his brother-in-law, Lord Clifford, so early as January, 1624 :—‘ My opinion of these meetings [parliaments] your lordship knows sufficiently, and the services done there coldly requited on all sides, and, which is worse, many times misconstrued. I judge, farther, the path we are like to walk in is now more narrow and slippery than formerly, *yet not so difficult but may be passed with circumspection, patience, and principally silence.*’* The nature of his public life may be estimated, too, by its effects upon King James, who could neither esteem nor countenance a statesman who affected popularity by crossing his measures. ‘ Calling to mind ’—says Wentworth, in a letter addressed to Sir Richard Weston, then chancellor of the Exchequer (May 19, 1627), to induce him to mediate with the king for a return of favour—‘ Calling to mind the faithful service I had the honour to do his majesty now with God, how graciously he vouchsafed to accept and express it openly and sundry times, I enjoy with myself much comfort and contentment.’ After imputing King Charles’s indignation ‘ to the malevolent interpretations and subtle insinuations of his adversaries,’ and praying for an opportunity to vindicate himself, he says, ‘ Thus have I presumed upon you farther than any particular interest of mine can warrant, out of a general belief in your wisdom and nobleness, the rather, too, because I conceive you can best witness the opinion, nay, I might say, the esteem, his late majesty held of me.’†

During the first parliament of Charles, he was still uncommitted; nay, in the course of it, engaged to interpose his good offices with the popular party in the favourite’s behalf, and performed what he had undertaken. But many circumstances awakened Buckingham’s

gram to Wentworth, Nov. 7, 1625; *Let. to Sir Richard Weston, Chancellor of the Exchequer*, pp. 34, 35. Other letters about the beginning).

* *Letters and Dispatches*, vol. i. p. 19.

† *Id.* pp. 34, 35. See Radcliffe’s *Essay towards the Life of Strafford*.

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jealousy. Wentworth had just married a daughter of the Earl of Clare,* and as that nobleman was offended at the court, and, with his son Denzil Hollis, keenly opposed it, the connection naturally led the son-in-law into the society of the popular party; and, while conceiving his merits overlooked, he appears to have been willing, by a mysterious carriage, to let the duke know that he was not to be neglected. His great family influence, his connections, supported by talents which, though they had not acquired for him the high character he afterwards earned in a different sphere, were even then respected, made him an object of too great importance to be despised by the favourite at the moment he dreaded an impeachment. 'At the dissolved parliament in Oxford,' says he, in another letter of complaint to Weston, 'you are privy how I was moved from and in behalf of the Duke of Buckingham, with promise of his good esteem and favour; you are privy that my answer was, I did honour the duke's person; that I would be ready to serve him in the quality of an honest man and a gentleman; you are privy how, during that sitting, I performed what I professed. The consequence of all this was, the making me sheriff the winter after.'† Wentworth had been solicited at the same time, professedly at least, in favour of the duke, by Williams, then lord keeper, who did not allow an opportunity of being busy to escape; and as the lord keeper was himself suspected of plotting with the members of the opposition for his patron's ruin, it was artfully suggested that Wentworth's moderation was a cover to a plot which he was promoting between Williams and the popular party—a suggestion which acquired confirmation by his intimacy with Archbishop Abbot, whom the favourite

* The marriage took place on February 24, 1624-5, and parliament met on June 18 (see *Biog. Brit.* art. Hollis, for an account of Lord Clare). He bought his titles. Though he disliked Buckingham, and opposed

the court, he was not fond of encountering the dangers of patriotism (see *Letter to Wentworth*, Straff. *Let. and Disp.* vol. i. p. 31).

† *Letters and Dispatches*, vol. i. pp. 34, 35.

deeply feared. Hence the primate and the lord-keeper fell immediately under the royal indignation ; and Wentworth, though measures were still kept with him, was, as he complains, pricked sheriff, that, by rendering him ineligible to the next parliament, his designs might be defeated.*

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The unhappy expedient of pricking him sheriff, as it ranked him with such men as Coke, Philips, Seymour, and others, against whom the same measure was adopted, proved, in all probability, the cause of his further exaltation ; for it bespoke an opinion of his talents, as well as of his principles, and thus introduced him to public notice as the persecuted advocate of popular rights. Even his friends, who still expected his rise as a courtier, congratulated him on the event. ‘For your being chosen,’ writes one, ‘my poor opinion is, that there did not anything befall you in the whole course of your life that is and will be more honour to you in the public, who speak most strangely of it.’† The same individual adds a fact to soothe his correspondent under this mark of royal displeasure : ‘It was told me by two councillors that, in naming of you, the king said you were an honest gentleman, but not a tittle to any of the rest.’

Though he felt the indignity, the king’s favourable sentiments, with his correspondence at court, prevented him from despairing. As he ascribed the ill-treatment to the misrepresentations and subtle insinuations of his enemies, he endeavoured to recover his ground, both through the medium of Weston and by a personal interview with Buckingham. The latter, at this interview, ascribed Wentworth’s having been made sheriff to mistake, which his grace, being then in Holland, had no opportunity of rectifying—contracted, as he was pleased

* Heylin’s *Life of Laud*, p. 139; Hacket’s *Life of Williams*, part ii. p. 17; see p. 14; Strafford’s *Let. and Dis.* vol. i. p. 28; Sir Arthur Ingram’s *Letter*, Nov. 7, 1625. The

knowledge evinced by Williams, as to the motions of the adverse party, naturally inspired suspicion.

† Strafford’s *Letters and Dispatches*, vol. i. p. 29.

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to term it, a friendship with him, ‘all former mistakes laid asleep, forgotten,’ and gave him ‘all the good words and good usage which could be expected; which,’ says the latter, ‘bred in me a great deal of content and security.’* The measure of content and security here spoken of seems to have centred in the hopes of being made lord president of the North, which, as I have discovered by a letter from him in the State Paper Office, he was soliciting, in terms the most degrading, so early as the 20th January, 1625–26. But the reconciliation was frustrated by his enemies, who, in spite of the exertions of Weston, infused fresh jealousy into the breast of the favourite, to which, probably, his intimate connection with Wandesford might contribute; and he soon experienced another proof of it in being again deprived of the office of Custos Rotulorum, to which he had been a second time promoted. The mortification was enhanced by the triumph of his old enemy, Saville, who was restored to court favour, made a privy councillor, &c. Even this did not determine him to proclaim himself a patriot. He still endeavoured to make up the breach at court; but, when he failed in his humiliating labours, and was deserted by the court party in the country, now attached to Saville, while from such proofs of royal displeasure the popular party regarded him as fairly enlisted on their side, he had no alternative but either to sink into insignificance with all parties in the country, or place himself at the head of the opposition. At this critical juncture the loan was demanded, and he had but a choice of evils—either to forfeit his character in the country, or to incur the hazard of the royal resentment to such a degree as threatened to blast all his prospects from that quarter. His friends importuned him to comply; his old rival exulted at the circumstance. ‘It was supposed,’ said his brother-in-law, Lord Haughton, in a letter to him, ‘this humour of com-

* *Letters to Weston*, p. 34 of *Straff. Let. and Disp.* vol. i.

mitting has been spent, till that your antagonist did revive it; who, I hear, brags he hath you in a toil or dilemma. If you refuse, you shall run the fortune of the other delinquents. If you come in at the last hour into the vineyard, he hopes it will lessen you in the country.' Reduced to this dilemma, and irritated by bad treatment, he preferred the maintenance of his present popularity to a chance of promotion at court, which, from past events, must necessarily have been faint.*

At the opening of the next parliament, therefore, he appeared in the character of a sufferer for supporting the legal rights of the people. The eloquent harangue he then made—an harangue that breathed rather the language of the passions than of logic—taught the court the propriety of securing him to itself. As he had never ceased to correspond with Weston, while his great friends interposed their good offices for him, and as, though he had expressed himself in strong terms of the general measures of government, he neither in that burst of indignation, nor afterwards, offended individuals, there were few impediments to a cordial understanding. Having enlisted under the banner of the court, and been gratified with title and place, he not only supported immediately that train of measures which he had so unqualifiedly condemned, but bent all his resources to reduce arbitrary government, both in church and state, to a system.

Such a person as we have described, provided his rank shed a lustre upon the reserved haughtiness of his manners, has many advantages in impressing the public mind with a high opinion of his talents. His very appearance is imposing; for the mob, both poor and rich, pay homage where it is exacted, and are

* *Letters and Disp.* Lord Clifford and Lord Baltimore to him, vol. ii. pp. 36, 37; Lord Haughton to him, p. 37; Lord Clifford, p. 38. This lord advises him to slip the money into the commissioners' hands, and thus escape from the difficulty; Lord Baltimore, p. 39 (see other *Let.*).

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awed by what seems mysterious. As he speaks rarely, too, he is heard with reverence, familiarity being fatal to respect. Instead of discussing a subject started by others, and following it through their various views, he selects his own topic, and dismisses or resumes it at pleasure. He is neither exposed to the subtle reasoning of a disputant, nor liable to the imputation of having dropped his argument when he has exhausted his knowledge. As it is only when he is roused by the occasion that he overcomes his habitual reluctance to unbend, so, if he have fluency, he pours himself out with a fervour unattainable by those who dissipate their energy in common discourse. With talent a little beyond the ordinary level, he may thus easily convert the awe inspired by his manner into admiration by his speech. But should he have uncontrolled power in the state, and possess the requisite qualities of stern inflexibility of purpose, where it suits his interest, and promptitude of decision, there is no limit to the admiration of mankind. Such I apprehend to have been Wentworth. As a speaker in parliament, he appears to have only once fairly tried his powers; and his harangue then, though most calculated for effect in one of his reserved manners, is merely remarkable for an energetical expression of feeling. Anterior to his great employment as a minister of the crown, he was possibly rated higher than any proof of mental vigour exhibited by him as a statesman warranted; but his great character was subsequent to that event. Yet his measures are by no means indicative of supereminent wisdom or talent; and in his letters and dispatches, which are both tame and defective in the composition, we in vain look for traces of a superior mind. His intellectual powers were most signally displayed at his trial, and the ardent tone of his feelings in the peroration produced an astonishing effect; but, in other respects, his defence does not appear to have been remarkable. It ought ever to be remem-

bered that he was then favoured with many of those circumstances which most powerfully excite the sympathy of an audience: the ladies, who had considerable influence in that respect, were charmed with his manner and person at the outset. Some difference having occurred at the council table between the Earl of Holland and Weston earl of Portland, Wentworth, in a fury, told Holland that 'the king would do well to cut off his head;' and instead of apologising for so strange a speech as a sudden transport of passion, he aggravated the offence by future rudeness during several years. His revengeful disposition manifested itself on many occasions. Nor need we recount in the number his treatment of his rival Saville, whom he soon stripped of his office, and sent down to the country, a most abject disconsolate old man, to be still within the sphere of his rival's power. The cases of Lords Mountnorris and Loftus, which will fall to be stated afterwards, are admitted even by Lord Clarendon to have manifested a nature excessively imperious. In the first, though the sentence was not executed against that peer's life, he acted upon the arbitrary principle which he alleged ought to have been adopted against Lord Holland. 'It was looked on,' says the noble historian, 'as a pure act of revenge, and gave all men warning how they trusted themselves in the territories where he commanded.' The case of Chancellor Lord Loftus was fraught with equal injustice, but was an act of less violence, because it concerned not life.* His persecution of Williams, whom he had once earnestly courted, savoured of the same spirit; and it was not without cause that the prelate refused to go to Ireland, alleging he should be there in the power of a man who, in a few months, would discover some old statute to cut off his head. In all these acts, the truth of the observation, that vindictive cruelty generally springs

* Clarendon's *Hist.* vol. i. p. 265 *et seq.*, 386 *et seq.*

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from fear, was fully evinced. He seized the critical moment of oppression, lest the objects of his malice should afterwards be in a condition to call him to a reckoning for injustice.

These evil qualities in Wentworth were, in some measure, compensated with kindness and beneficence to those who humbly acknowledged his superiority and courted his favour. 'In a word,' says Clarendon, 'the epitaph which Plutarch records that Sylla wrote for himself may not be unfitly applied to him—'That no man did ever pass him, either in doing good to his friends or in doing mischief to his enemies;' for his acts of both kinds were most notorious.'*

Wentworth had courted his fortune; but it was only through great importunity on the part of ministers that Noy could be prevailed upon to accept of place under the crown. The reward of his apostacy from the cause of freedom was the place of attorney-general, the most lucrative then attainable by the profession. For this he was entirely indebted to the high character which he had acquired for legal research and talent; and as, unlike Wentworth, he had sinned unequivocally in opposing the royal pretensions, his place afforded as indisputable a proof of the estimation in which he was held as it did of the profligacy of his principles. From the morosity of his temper and the nature of his studies—such as the records of the Tower—which were remote from the common track even of his profession, his learning was overrated, people being kept at a distance by his manners, and venerating, according to custom, what they could not comprehend. His pride and moroseness, while they prevented him from flattering others, rendered him the dupe of flattery himself. The unsociableness of his disposition precluded him from gaining that quick discernment of the human heart which enables one to appreciate dis-

* Clarendon's *Hist.* vol. i. p. 456.

course and imposed silence upon the generality of those who are readiest to recommend themselves by servile means. Hence men of exalted rank and consummate address overpowered him by extolling his learning and legal knowledge, and thus, as he wanted principle, easily converted him into an instrument of their designs, 'he thinking,' to borrow the words of Clarendon, 'that he could not give a clearer testimony that his knowledge in the law was greater than all other men's, than by making that law which all other men believed not to be so.' *

Lord-treasurer Weston, afterwards earl of Portland, was of an ancient family, and had, according to the fashion of the times, begun his career as a courtier with the same views that actuate mankind in the choice of a business or profession. To enable him to run his hopeful course, his friends, who expected to share his fortune, supported him both with their purse and credit. But he remained long at court unnoticed, till, having attached himself to some of the favourites there, he at last procured employment, and ascended by degrees to the high office which he now filled. In this situation he had given such small satisfaction to the duke, that it was supposed the death of that personage only saved him from a fall. This accounts for his eagerness to strengthen himself by new alliances—as with Wentworth; and unless we suppose that Wentworth would have deserted and persecuted him as he did Williams, whom he had formerly addressed himself to, we must conclude that the alliance would have proved favourable to him, even in the duke's esteem.

Weston,
earl of
Portland.

Notwithstanding the declared poverty of the crown, Weston received the most profuse marks of the royal bounty, both in money and land. But as his rapacity, though extreme, was equalled by his extravagance, little of it descended to his posterity; and neither power nor

* Clarendon's *Hist.* vol. i. p. 129 *et seq.*

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emolument brought enjoyment to himself, it being his misfortune, by an unquenchable thirst for the enlargement of both, to lose all satisfaction in what he had. His temper prompted him to testify his courage in giving offence to people of credit at court; but when he had vented his spleen, his native pusillanimity overcame him with womanish terror for the consequences. He, therefore, latterly acquired the character of a man of big looks and of a mean and abject spirit. No sense of honour restrained his conduct; and the public hatred towards him was augmented by his religion. Though he professed Protestantism, he was a suspected Papist, and died one. His wife and domestics were all professed Catholics.*

With a sketch of these characters we shall at present content ourselves; for others, though they acted an equally guilty, were prevented by their situation from so conspicuous a part. We therefore return to a relation of events.

Peace with
France and
Spain,
1629 and
1630.

Though the duke's secret feelings had occasioned the wars with Spain and France, he was himself latterly inclined to peace; and the new counsels led to an immediate termination of hostilities. Laud's high-church principles, which involved his own views of personal aggrandizement, produced in him a rankling animosity against the foreign Protestants, whose doctrine approached to that of the Puritan or moderate party (for the word Puritan was now of most comprehensive signification in the court vocabulary), while the practice as well as the principles of the Romish sect accorded with his own notions of ecclesiastical government. Wentworth again saw, as did in all probability his grand coadjutor Laud, that their only hope of advancing the cause in which they had embarked—a cause that implied their own preferment, and even continuance in places of power and emolument, nay, their very personal security from after-

* Clarendon, vol. i. p. 84 *et seq.*; Rush. vol. ii. p. 283.

impeachment—arose from the attainment and maintenance of peace. Without some legitimate organ for the expression of the public will, popular resistance to the encroachments of power was not apprehended. Disunited, destitute of concert, the first symptom of commotion might be quelled; but, did the necessities of the crown imperiously demand a parliament, they brought with them an authority to that assembly which must enforce a change of measures, while the policy which had been pursued by the executive would stimulate them both to demand a sacrifice of ministers and to make new provisions against the recurrence of similar evils. Charles was, therefore, advised to conclude a peace with both states, and confine his attention to the attainment of an inglorious triumph over the privileges of his subjects. The accomplishment of his pacific wishes found no obstacle in the courts of France and Spain; nor was it reasonable that it should, since, after a waste of lives and treasure, the avowed objects for hostilities on his part were abandoned. No provision was made for the restitution of the Palatinate, and the wretched Huguenots, who had been drawn into the war by his assurances of support, were never considered in the treaty, but left to the mercy of the arbitrary government they had been seduced to provoke—thus justifying the sarcastic remark of Dr. Leighton, ‘that all that pass by us spoil us, and that we spoil all that rely upon us.’*

Though peace was concluded with the house of Austria, Charles still wished to afford some feeble support to his brother-in-law for the recovery of the Palatinate; and surely never did a more favourable juncture occur. The famed Gustavus Adolphus of Sweden, after many urgent solicitations which he long withstood, had at last undertaken the cause of the distressed German Protestants; and as he distinguished himself by a career of un-

Splendid
career of
Gustavus
Adolphus,
and death.

* Clarendon's *Hist.* vol. i. p. 117; p. 55 for Leighton's remark; see Rush. vol. ii. pp. 23, 75 *et seq.* (see *Hist. Pref. to Carleton's Let.*)

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paralleled success, the cordial co-operation of England might have soon brought the struggle to a happy period.

Landing in Pomerania, Gustavus soon put himself at the head of a considerable army, and, beating the Imperialists in every engagement, threatened to wrest from them their unjust acquisitions. Instead of joining the Swede, Charles concluded a peace; but, though the treaty forbade him openly to assist the palatine, he resolved to render him a small support, and therefore levied six thousand men, whom he sent under the command, and in the name of, the Marquis Hamilton, to join Gustavus. This small army, however, mouldered away, and the Swede, who, with success, forgot his moderation, began to impose conditions which even the palgrave, sunk as he was, rejected with disdain. Had the English monarch acted with spirit, this never could have happened any more than the failure of the expedition itself with the hero who planned it. After great success, Gustavus began to experience a partial reverse of fortune from the abilities of Wallenstein, the general to whom the emperor had been indebted for all his victories. This great captain had, from a suspicion of his entertaining dark designs of self-aggrandisement, been discarded with ignominy when his services were deemed no longer requisite for the schemes of his employer. But, on a reverse of fortune, the veteran had been again summoned to the command; and as he took the field with a superior army, the scale began to turn against the Swede. Yet at the battle of Lutzen, where he fell, his soldiers, fired with fury at his death, gained a complete victory.* But it was useless to the cause; deprived of their leader, they could no longer maintain the contest, and matters reverted to their former position. Thus was the palgrave's last hope extinguished, but with it also terminated

November
6, 1632.

* Rush. vol. ii. p. 38 *et seq.* pp. 53, 59, 60, 107-109, 166-168, 181, 182; Harte's *Gust. Adolph.* vol. i. p. 209 *et seq.*, and vol. ii. particularly

p. 318 *et seq.*; Howell's *Fam. Let.* pp. 212, 213, 229-231; Frank. p. 372 *et seq.*

his sufferings, for he died that year, as some allege, of a broken heart. Wallenstein's late success having augmented the jealousy of his influence with the soldiery, overwhelmed him. He was assassinated by some Scots and Irish in the emperor's service.*

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Some of these events were posterior to those which we shall yet have occasion to relate. But it may, in this place, not be improper to continue a concise view of foreign affairs, that the attention may not afterwards be unnecessarily withdrawn from domestic occurrences. The two houses of Austria and Bourbon entertained an increasing jealousy of each other, and solicited the assistance of England by turns. The neutrality preserved by Charles, who is said to have held the balance of Europe in his own hands, has been admired as politic; but no such motive actuated him. There were two parties in the cabinet in regard to foreign affairs—one attached to France, the other to Spain; and Wentworth and Laud balanced them for the maintenance of peace. It was hoped that, during peace, the people might, by degrees, be inured to illegal impositions, till the practice had subdued the remembrance of their rights, and the power of the crown had been confirmed, when his majesty might safely engage in continental contests. On the other hand, it was evident that the pecuniary difficulties arising out of a sudden war must lead to a parliament, when its authority would be almost irresistible. It is remarkable that Wentworth predicted his own fate in that event. Terror, therefore, augmented his anxiety for the overthrow of public liberty, as he clearly foresaw that, if he did not destroy it, it would destroy him. Thus was he goaded on by his personal fears to pursue measures which terminated in his ruin.†

* Harte's *Gust. Adolph.* vol. i. pp. 181, 190, 122, 212, 351 *et seq.*; vol. ii. p. 41 *et seq.*; *Straff. Let. and Disp.* vol. i. p. 215.

† Sidney, *State Papers*, vol. ii. p. 374 *et seq.* and particularly pp. 618,

621; Clarendon, *State Papers*, MS. Bod. Lib. vol. iv. (see the Clar. printed *State Papers*, vols. i. and ii.; *Straff. Let. and Disp.* vol. ii. p. 52 *et seq.*, p. 60 *et seq.*, pp. 66, 67.)

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I.

Secret
treaty with
Spain
against the
independ-
ence of
Holland,
January
31, 1631.

A singular proof of the real motives which actuated the royal councils, is afforded by a secret league which was entered into with Spain against the Dutch. The object was to reduce that flourishing republic to its old subjection to the house of Austria, that it might no longer be an example of successful revolt from the kingly authority.* But surely that policy never can deserve the name of liberal, which would allow the smaller states to be swallowed by the greater, and general freedom to be proscribed. Nor are our ideas either of the policy or justice of the measure affected by the consideration that a part of the territory was to be ceded to the English king, as a recompense for his assistance. Indeed, we cannot refrain from remarking, that, from the manner in which the balance of power has been talked of in this case, one would imagine that the welfare of mankind was light in comparison of it—though the only principle upon which it is entitled to veneration is, that it is calculated to insure internal happiness. If a people be enslaved, it matters not whether the evil proceeds from a foreign or a domestic source. Nay, if left to their choice, the people would probably prefer the former, since there would be a better chance of deliverance from the evil. The great body are generally enslaved by the united interests of the monarch and particular classes; but all ranks would feel it to be their interest to unite against foreign invaders, and, if endued with any spirit, must ultimately redeem their country. The truth is, that the balance of power, though not only fully understood by the ancients†—witness their various leagues—but even by the American Indians, was, in the last century, thought a modern discovery, and philosophers gave it an undue place in the scale.

* Clar. *State Papers*, vol. i. p. 49 *et seq.*; vol. ii. *App.* 32; *Introd.* to Carleton's *Letters*.

† Surely the various authors who have taken up the idea of the balance of power being a modern discovery in politics, have never attended to

ancient history. What was the meaning of all the leagues of Greece? What the cause of the Peloponnesian War? What the grand object of Demosthenes in raising up confederacies against Philip?

Having thus succinctly presented a sketch of foreign transactions, we now return to a detail of the various measures pursued by the executive against the franchises of England. The duties of tonnage and poundage, which Charles had declared that he never meant to take but as a gift from his people, were rigorously extorted, with other duties imposed originally at the mere will of the late or the present king. Warrants were issued by the council to seize the goods of all who attempted to land them without authority, and detain them till the customs were paid : and orders were at the same time dispatched to imprison all who attempted to recover their property by replevin. Other illegal orders were likewise issued : and that terror might be struck into the refractory, the vengeance of the council was let loose, immediately after the dissolution of parliament, against an alderman and an eminent merchant of London, Richard Chambers, who courageously appealed to the public justice of his country. Chambers had, for resisting payment of the duties, been summoned before the council, and because he remarked there that 'the merchants of England were as much screwed up as in Turkey,' he was tried before the Star Chamber (if a trial that might be called where the council that took the offence had only changed rooms), and by the sentence of that tribunal not only fined 2000*l.*, but doomed to imprisonment till he made a submission, both at the council-board, in the Star Chamber, and at the Royal Exchange. He refused to degrade himself by a submission, as well as to render himself an instrument for overturning the vital principles of the constitution, and therefore he lay upwards of twelve years in prison, denied all legal redress, and was utterly ruined in his circumstances. To the disgrace of parliament afterwards, his sufferings in the common cause were not rewarded.*

Perceiving that their trade was deeply injured by these

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I.

Arbitrary
taxes and
proceed-
ings.

Case of
Chambers.

* Rush. vol. i. p. 670 *et seq.* ; vol. ii. p. 9.

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I.

Monopolies and
illegal
proclamations.

illegal measures, the merchants attempted to send their goods beyond seas ; but the council that devised these proceedings was too vigilant to prevent their evasion :—the goods were secured, and orders were issued to search warehouses and other places to prevent what was denominated a fraud upon his majesty's revenue.*

Other plans were devised to augment the revenue, and break the spirit of the people. A tax was imposed for the support of muster-masters of the militia, and afterwards coat and conduct money was exacted, while soldiers were billeted as formerly. But the most crying grievance was the revival of monopolies to the most appalling extent. What had occurred in the reign of Elizabeth on this head, has already been fully shown. In the reign of James, a statute, which merely confirmed the common law, was passed, by which the right of granting monopolies was allowed only in the case of those who had made new discoveries. So equitable a restriction appears at first sight not to be liable to abuse ; but when men, armed with power, are determined to violate law, the wisest provisions serve only as a cover to their arbitrary measures. Under the pretext that certain individuals had made discoveries in the manufacture of soap, and that the dealers in general imposed a bad article upon the people, these individuals were erected into a corporation, and the right of the manufacture and sale of the commodity exclusively vested in them. The patentees, in the first place, paid 10,000*l.* for their patent ; but this was nothing like the main advantage derived by the crown. A tax of eight pounds per ton was imposed upon the sale. As might be supposed, the public, far from being supplied with a better article—the pretext for the patent—were obliged to purchase a commodity so adulterated as to ruin their clothes. This, however, is a mere specimen of this species of grievance : almost every article of ordinary consumption, whether of manufacture or not, was exposed to a similar abuse. Salt,

* Rush. vol. i. p. 670 *et seq* ; vol. ii. p. 9.

starch, coals, iron, wine, pens, cards and dice, beavers, felts, bone-lace, &c., meat dressed in taverns, tobacco, wine-casks, brewing and distilling, lamprons, weighing of hay and straw in London and Westminster, gauging of red herrings, butter-casks, kelp and sea-weed, linen-cloth, rags, hops, buttons, hats, gutstring, spectacles, combs, tobacco-pipes, &c., saltpetre (one Hillyard was fined 5000*l.* for selling this article contrary to proclamation), gunpowder, in short, articles down to the sole gathering of rags, were all under the fetters of monopolies, and consequently deeply taxed. Nay, it was even in agitation to impose a tax upon grain under the colour of law. The device was this :—there was a statute of 8 Henry VIII. for regulating the prices of provisions, and it was intended first to draw grain under its operation, and then to grant licences of dispensation at a certain rate. The royal order was transmitted by Attorney-general Noy to the judges for their sanction ; but, except Sir Robert Berkley, they all pronounced it illegal. People were not even allowed a quiet interment without a tax : a method was invented to assess all funerals according to the quality of the deceased.

Hillyard's
case.

Then the most grievous commissions were granted to enforce these illegal patents and proclamations : such as a commission touching cottages and inmates, depopulations, &c., another about scriveners, one for compounding with offenders for transporting butter, another for compounding with those who used or imported logwood, one to compound with sheriffs, and such as had been sheriffs, for selling under-sheriffs' places ; another for compounding for the destruction of wood in iron-works ; another for concealments and encroachments within twenty miles of London.*

The tax upon the community, in consequence, was in-

* Rush. vol. iii. p. 915 *et seq.* ; *Old Parl. Hist.* vol. ix. p. 62 *et seq.* ; Cob. vol. ii. p. 640 *et seq.* (see Proclamations in Rush. vols. ii. iii. ; see as to corn, vol. ii. p. 149 ; Hillyard's

case, *Ap.* to vol. iii. p. 68 ; Clarendon's *Life* by himself, p. 82 *et seq.* ; May's *Hist.* p. 16 *et seq.* ; Straff. *Let. and Disp.* vol. i. pp. 176, 507 ; vol. ii. pp. 55, 72, 181).

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finitely beyond what came into the exchequer. Thus the king received 38,000*l.* annually for the monopoly of wine; but then the vintners paid 40*s.* per ton to the patentees, which, upon 45,000 tons, raised the tax to 90,000*l.* The vintners again imposed 2*d.* per quart, which raised it to 8*l.* per ton, or 360,000*l.*, that is, twelve times what came into the exchequer.*

Pretext of
remedying
defective
titles of
land.

These were still only part of the devices for extorting money from the subject. Under the generous pretext of curing defects in titles of land, a proclamation was issued, proposing to grant new titles upon the payment of a reasonable composition, and those who declined to avail themselves of his majesty's gracious offer were threatened with the loss of their property. This at once sapped the security of landowners; for no man could misconceive the object, and the government agents soon brought conviction home to their breasts. Every pretended flaw was fastened on, and the courts—miscalled—of justice were too obsequious not to sustain the objection. Their patents were now changed, to keep them in the most deplorable dependence: for the old clause in every judge's patent, *quamdiu se bene gesserit*, was changed into *durante bene placito*, and indeed the benefit of the first clause was denied to one who had got his patent before the change—because he was too upright for the designs in hand.*

Change in
the judges'
patents.

Had this misguided prince even confined himself to the illegal and wicked device of extorting money from the subject, his conduct would have been less exposed to censure in civil matters than it necessarily was; but his arbitrary and capricious system of government reached departments where he seems to have intruded for the purpose only of proving the plenitude of his power. The hackney-coaches in London offended his eye, and he therefore imposed severe regulations upon them, as well as restricted

* *Parl. Hist. ibid.*

† May's *Hist.* p. 17; Hut. *Mem.* vol. i. p. 132; Whitelocke, p. 16,

tells us that a judge was deprived of his seat, in spite of his patent, *quamdiu se bene gesserit*.

their number. Men of ordinary trades kept shops in Goldmaker Row, and afterwards in different quarters, which he took under his protection; and as these appeared to him not exactly to harmonise with his ideas of beauty, he commanded them to be instantly removed. Several shops, too, were pulled down, because they appeared to detract from the beauty of St. Paul's.* The increase of the metropolis by new buildings had, as an evil, been formerly a fruitful theme of declamation, and a statute for a limited time had been passed, in the reign of Elizabeth, to prohibit them; but the act had expired before the termination of her reign, and the progress of society had convinced men of its impolicy. James, however, had, by the connivance of corrupt judges, obtained the execution of this expired law, and Charles now rigorously enforced it. A commission was instituted for compounding with delinquents, for ordering their houses to be pulled down. The rate of the licence was a fine of three years' rent, with an addition to keep them from fining thereafter. It was calculated that much above 100,000*l.* of rents in the city of London were in this situation. Even former licences were disregarded.†

The late king had had sufficient sagacity to perceive, that though he was enabled to gain a large portion of the nobility by gifts, pensions, and places, yet that, as it was not in his power to command the great body of the aristocracy, their residence in town encouraged liberal principles, and he had ever evinced anxiety to drive them to the country. His son, who had a nearer cause of alarm, was not satisfied with persuasion. He issued a proclama-

Proceed-
ings in the
Star Cham-
ber against
those who
resided in
London
contrary to
proclama-
tion.

* Rush. vol. ii. p. 28; vol. iii. p. 411 *et seq.* What will the reader think of a proclamation prohibiting the use of snaffles, and commanding that of bits (vol. ii. p. 42; *3rd Inst.* p. 204)?

† Straff. *Let. and Disp.* vol. i. pp. 206, 243; vol. ii. p. 150. This friend of Wentworth's says, 'He speaks

much within compass,' when he says 100,000*l.*, and from his enumeration of streets, &c., it is obvious. In the case of Moor, a writ went out from the Star Chamber to the sheriff to pull down his houses, and fine him 2,000*l.* for not having pulled them down by Easter (Rush. vol. ii. p. 144).

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tion enjoining their residence in the country, and followed it with rigorous proceedings in the Star Chamber.* The language of Mr. Hume on this subject is so singular that we cannot forbear quoting it. 'For disobedience to this edict many were indicted in the Star Chamber. This occasioned discontents, and the sentences were complained of as illegal. But, if proclamations had authority, *of which nobody pretended to doubt*, must they not be put in execution? In no instance, I must confess, does it more evidently appear what confused and uncertain ideas were, during that age, entertained concerning the English constitution!' This is an admirable specimen of the historian's defence of the Stuart family. Whenever he has occasion to relate instances of the most arbitrary kind, he accompanies them with a remark, either that they had been practised by the predecessors of that family, or sprang necessarily from powers which nobody pretended to doubt of being vested in the crown—while he does not adduce a shadow of authority for his statement. In this instance we will venture to say that his assertion is contrary to everything which deserves the name of authority—that, though Laud and his brethren, with Wentworth, and his coadjutors of the laity, maintained that the royal power, lent this prince from God, was unlimited, and consequently that he might issue and enforce what proclamations he pleased, there was scarcely another man in the kingdom who could support such monstrous doctrine. It is true that proclamations had and still have authority, but the nature of that authority is best explained in the words of Sir Edward Coke. 'Note, proclamations have great force, when they are grounded upon the laws of the realm.' On this subject we shall just refer the reader to what we have advanced under this head in the Second Chapter of the First Volume—with this remark only, that Mr. Hume has declared

* Rush. vol. ii. pp. 144, 289; MS. Lamb. Lib. No. 943, fol. 221; Straff. *Let. and Disp.* vol. ii. p. 142.

the granting of the petition of right to be almost equivalent to a revolution, and yet that the assumption of such a power is not only contrary to every principle of that statute, but to the very first notion of a limited monarchy.

Knight-money was another species of extortion. By the feudal system every person possessed of a knight's fee, or land of a certain yearly value, was bound, under a fine, to receive the honour of knighthood, which was chargeable with large fees, that he might be enrolled a soldier in defence of the realm. With the revolution in the state of society, this practice had fallen into desuetude. Elizabeth had only resorted to it once, and that in the first of her reign ;* and there is reason to conclude, from the silence with which it passed, that it was restricted to men of considerable rank. But now it was resorted to by Charles as a means of raising money ; and as the honour was lost by the promiscuous manner in which it was insisted on, men looked only to the extortion practised under that pretext. An annual rent of 20*l.* was in ancient times a good income ; but by the depreciation of money, it became inconsiderable, and the rate had long been 40*l.* Charles did not restrict it to men of landed property, but included lessees, merchants, and others. For contumacy a fine was imposed, and the rate at which it was levied was equal to three subsidies and a half.

Knight-
hood.

Commissions were issued to compound with the parties, and they who had a just excuse were ordered to appear at the council-board, when they were detained from day to day without a hearing, and even the justest defence was overruled, and large fines imposed : Sir James Maleverer was denied a legal hearing, and ordered to compound

* Rymer, tom. xv. pp. 493, 504. The commission applies to all of 40*l.* annual rent ; but I presume, from its never having been repeated, that it was not rigorously acted on : and the higher classes, from having shared so deeply in the crown lands, would not grudge it. Besides, money had

fallen so much in value, that such an annual rent in the first of Elizabeth's reign was great in comparison of the same sum in Charles's. These were not authorised to use the title of knights (see *Id.* p. 497 for a commission to create such as were ; *2nd Inst.* St. de Mill).

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Proceed-
ings upon
pretended
forest laws.

with commissioners, who fined him 2000*l.*, not for an absolute refusal, but for an alleged 'contumacy in the payment. Sir Thomas Moyser and others were utterly undone by similar proceedings.*

Under the pretext of obsolete forest laws, the property of the subject was extorted, and his person exposed to punishment. The forest of Rockingham was arbitrarily enlarged from six miles to sixty, and the following fines were imposed for alleged encroachments. The Earl of Salisbury was fined 20,000*l.*, for an alleged fault of his father; the Earl of Westmoreland, 19,000*l.*; Lord Newport, 3000*l.*; Sir Christopher Hatton, 12,000*l.*; Sir Lewis Watson, 4000*l.*, and many others of smaller sums. In Essex, the forests were enlarged over lands which had been possessed without interruption for three or four hundred years.† The object of all this, says Clarendon, was 'to recompense the damage sustained by the sale of the old lands, and by the grant of new pensions; and not only great fines were imposed, but great annual rents intended, and like to be settled by contract.‡ The selfishness of Charles discovered itself particularly in a projected forest for deer, (he was, like his father, immoderately addicted to field sports,) to extend from Richmond to Hampton Court. He meant to enclose this with a brick wall; and he actually proceeded to execute his plan, not only without consulting the proprietors, who, by his fiat, were to be excluded from their rights, but without regard to a general clamour, and the general dissuasion of the council. Lord Clarendon, § indeed, tells us, that his majesty intended to pay more than their value, and that he thought it no unreasonable thing, upon these terms, to expect the consent

* Rush. vol. ii. pp. 70, 71, 135, 725; vol. iii. p. 1134; Mr. Hyde's Speech, p. 1353. In his *History*, vol. i. p. 119, Clarendon says that knighthood 'had a foundation of right, yet in the circumstances of proceeding was very grievous.' This is candid: compare it with Mr.

Hume's remarks (Cob. *Parl. Hist.* vol. ii. p. 548).

† *Straff. Let. and Disp.* vol. ii. p. 117; Cob. *Parl. Hist.* vol. ii. p. 642; May, p. 16.

‡ *Clar.* vol. i. p. 120.

§ Vol. i. p. 176 *et seq.*

of his subjects ; but there does not appear to be any foundation for this, and it is evident that, upon the same principle that he could take the lands at his own price, without the consent of the owner, he might seize upon them for nothing. Other proceedings with regard to the forests, evinced what security there was even for a price. On this subject we must remark, that Charles showed by such profusion, (for the expense must have been immense,) that while he constantly complained of the parsimony of parliament, he was disposed to set no bounds to his extravagance. The proceedings on this head were as impolitic as unjust. He ought to have known that he could never stand without the support of some classes in the community besides the clergy ; yet, while he had alienated the lower ranks, he, by these measures, disgusted likewise the higher. ‘This burthen,’ says Clarendon, ‘lighted most upon people of quality and honour, who thought themselves above ordinary oppression, and were like to remember it with more sharpness.’*

The statutes about tillage and keeping up houses of husbandry had either expired, having been temporary enactments, or had been repealed by st. 21 Jac. I. c. 28. Yet, under the pretext that depopulation was an offence at common law, the rigour of the expired or repealed statutes was enforced in the most unjustifiable manner, for the purposes of extortion and oppression. Many were severely fined as depopulators, where no depopulation had taken place ; Sir Ant. Roper of 4000*l.*,† besides being imprisoned, &c., that the example might terrify others to submit to extortion ; and dispensations were granted for money. But even subsisting law was converted into an engine of oppression. The following passage is taken from a private letter to Wentworth by one of his greatest admirers. ‘There is at present a commission in execution against

Depopulations.

* Clar. *Hist.* vol. i. p. 120.vol. ii. p. 642 ; *MS. Lamb. Lib.* No.

† Rush. vol. ii. p. 270 ; vol. iii. 943.

Ap. p. 106 *et seq.* ; Cob. *Parl. Hist.*

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I

cottagers, who have not four acres of ground laid to their houses, upon a statute made on the 31st Eliz. which vexeth the poor people mightily, and is far more burthensome to them than ship-moneys, all for the benefit of the Lord Morton, and the secretary of Scotland, the Lord Stirling. Much crying out there is against it, especially because mean, needy, and men of no fame, prisoners in the Fleet, are used as principal commissioners to call the people before them, to fine, and to compound with them.*

We shall afterwards have occasion to speak more particularly of ship-money; but at present we may observe, in the words of Clarendon, that it was intended 'for a spring and magazine that should have no bottom, and for an everlasting supply of all occasions.'†

The jurisdiction of arbitrary courts enlarged and new courts raised.

The civil government, in other respects, corresponded with these unjust and arbitrary proceedings. The jurisdiction and powers of the courts of Star Chamber and High Commission were enlarged to a most extraordinary degree; and, while the last vexed all men, every species of cause was brought under the cognizance of the first. New illegal oaths were enforced, and new courts, with vast powers, erected without colour of law; and when commissions were issued for examining into the extent of fees which were complained of, the commissioners compounded with the delinquents, not only for their past offences, but their future extortions. But indeed it is vain to talk of irregular courts, when, by new-modelling the patents of the judges, &c., the ordinary tribunals were brought completely under the command of the throne. Charles himself, in his annotations to Laud's annual accounts of his province, talks of commanding his judges to act in such and such ways, though contrary to law; as if his *fiat* were at all times sufficient. The orders of the council-board were received as law. Finch, who, for his conduct in the late parliament, was promoted to the office of lord keeper

* *Straff. Let. and Disp.* vol. ii. p. 117.

† *Clar. Hist.* vol. i. p. 120.

of the great seal, declared; 'that while he was keeper, no man should be so saucy as to dispute orders of the council-board; but that the wisdom of that board should be always ground enough for him to make a decree in chancery.' The noble historian from whom we have borrowed these words, gives the following picture of the government. 'For the better support of these extraordinary ways, and to protect the agents and instruments who must be employed in them, and to discountenance and suppress all bold inquirers and opposers, the council-table and Star Chamber enlarged their jurisdiction to a vast extent, holding (as Thucydides said of the Athenians) for honourable that which pleased, and for just that which profited; and, being the same persons in several rooms, grew both courts of law to determine right, and courts of revenue to bring money into the treasury; the council-table, by proclamations, enjoining the people that which was not enjoined by the law, and prohibiting that which was not prohibited; and the Star Chamber censuring the breach and disobedience to those proclamations, by very great fines and imprisonment, so that disrespect to acts of state, or to the persons of statesmen, was at no time more penal; and those foundations of right, by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed.* The Earl Marshal's Court, Clarendon, then Mr. Hyde, declared, in the parliament summoned in the year 1639, to be 'a court newly-erected, without colour or shadow of law, which took upon it to fine and imprison the king's subjects, and to give great damages for matters which the law gave no damages for;' he stated to the next parliament that since the dissolution of the last, 'more damages had been given there for contumelious and reproachful words, of which the law took no notice, in two days, than had been given by all the juries in all

* *Clar. Hist.* vol. i. p. 121 *et seq.*

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the courts of Westminster Hall in the whole term, and the days for trial after it was ended;’ he then informs us historically that ‘he got a committee named, of which himself sat in the chair, and found, that the first precedent they had in all their records for that form of proceeding which they had used, and for giving of damages for words, was but in the year 1633.’* This was the language of a minister who followed Charles in all his fortune; and received encouragement from that monarch to write his history.

Papists.

If the proceedings recorded above were capable of aggravation, they received it in the part which Papists were permitted to act in regard to them. These, while they who adhered to the doctrine established by law were persecuted, were not only encouraged but protected, as the chief promoters of illegal courses. ‘They grew,’ says Clarendon, ‘not only secret contrivers, but public professed promoters of, and ministers in, the most grievous projects, as that of soap, formed, framed, and executed by almost a corporation of that religion, which, under that licence and notion, might be, and were suspected to be, qualified for other agitations.’† No wonder that Catholics were hated.

Council of
York.

Miserable as was this state of justice, if such it could be called, a portion of the people only enjoyed it. The Council of York, under whose jurisdiction the northern states were governed, swallowed up all the regular tribunals, and dispensed with even the semblance of law. But the effrontery of men embarked in a bad cause ever furnishes them with a pretext for their misdeeds. Strafford excused his

* *Life*, vol. i. pp. 81 *et seq.*, 85 *et seq.* The Marshal’s Court, ‘for them which were not of the king’s household,’ was first erected February 13, 22 Jac., and renewed with greater powers, 6 Car. A writ of error was brought into the King’s Bench against a judgment of that court, and Charles wrote an expostulatory let-

ter to the judges (*Rush.* vol. ii. p. 104; see *Hacket*, part ii. p. 71). Mr. Hume ought not to have overlooked this in speaking of the Marshal’s Court.

† *Hist.* vol. i. p. 261 *et seq.* Laud was very busy in that affair (see his *Diary* for 1635).

usurpation, as president of the North, by alleging that 'it was a chaste ambition, if rightly placed, to have as much power as may be, that there may be power to do the more good for the place where a man serves.* The Council of

* Rush. vol. ii. p. 161. Mr. Justice Vernon discharged his duty when going the circuit by interfering with the Court of York. Wentworth writes from Ireland to have him 'convened at the council-board,—charged with his misdemeanours,—be prevented for ever travelling that circuit again:—'And, indeed,' says he, in this letter to Lord Cottington, 'I do most earnestly beseech his majesty by you, that we may be troubled no more with such a peevish indiscreet piece of flesh. I confess I disdain to see gownmen in this sort hang their noses over the flowers of the crown, blow and snuffle upon them, till they take both scent and beauty off them; or to have them put such a prejudice over all other sorts of men, as if none were able or worthy to be entrusted with honour and administration of justice but themselves' (*Let. and Disp.* vol. i. p. 130; *Let.* dated Oct. 22, 1633). This complaint against the lawyers for cramping the prerogative is often repeated. Wentworth applied for arbitrary power in Ireland, in these terms:—'I find that my Lord Falkland was restrained by proclamation not to meddle in any cause betwixt party and party, which certainly did lessen his power extremely. I know very well the common lawyers will be passionately against it, who are wont to put such a prejudice upon all other professions, as if none were to be trusted, or capable to administer justice but themselves. *Yet how well this suits with monarchy, when they monopolise all to be governed by their year-books, you in England have a costly experience; and I am sure his majesty's absolute power is not weaker in this kingdom, where hitherto the deputy and council-board have had a stroke with them.*' A special power was granted to him (*Id.* p. 201).

'I am very glad,' says Laud in a

letter to Wentworth, 'to read, your lordship's so resolute, and more to hear you affirm that the footing of them that go thorough our master's service is not now upon fee, as it hath been. But you are withal upon so many ifs, that, by their help, you may preserve any man upon the ice, be he never so slippery. And first, if the common lawyers may be contained within their ancient and sober bounds; if the word *thorough* be not left out, as I am certain it is; if we grow not faint; if we ourselves be not in fault; if it not come to *peccatum ex te Israel*; if the others will do their parts as thoroughly as you promise for yourself, and justly conceive of me, &c. (*Let.* 15, Nov. 1633; *Id.* p. 155.)

'For the ifs your lordship is pleased to impute to me,' returns Wentworth, 'you shall hereafter have more positive doctrine. *I know no reason, then, but you may as well rule the common lawyers in England, as I, poor beagle, do here; and yet that I do, and will do, in all that concerns my master's service, UPON THE PERIL OF MY HEAD.* I am confident that the king, being pleased to set himself in this business, is able, by his wisdom and ministers, to carry any just and honourable action thorough all imaginary opposition, *for real there can be none*; that to start aside for such panick fears, phantastic apparitions as a Prynne or an Eliot shall set up, were the greatest folly in the whole world; that the debts of the crown taken off, *you may govern as you please*; and most resolute I am that work may be done without borrowing any help forth of the king's lodgings; and that is as downright a *peccatum ex te Israel*, as ever was, if all this be not effected with speed and ease' (*Id.* p. 173).

Clarendon tells us, that ministers,

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York owed its origin to the rebellions, of which there were no fewer than six in four years, headed by persons of eminence, which followed the suppression of the lesser monasteries, in the 27th of Henry VIII. That prince having resolved on suppressing the greater likewise, in which he was joined by the bulk of the aristocracy, who expected to share in the spoil, granted a commission to the Bishop of Llandaff and others, for the purpose of preserving the peace of the counties of York, Northumberland, Cumberland, and Westmoreland; the bishopric of Durham, the cities of York, Kingston-upon-Hull, and Newcastle-upon-Tyne. This commission was, in a common view, merely one of oyer and terminer, only that it contained a concluding clause, authorising the commissioners to decide according to sound discretion. This clause was, however, soon afterwards declared unanimously by all the English judges to be illegal. The commission farther empowered the commissioners to hear real and personal causes, when either or both of the parties laboured under poverty. But the power, if acted upon at all, was very sparingly resorted to; and in the 2nd of

after the determination to dispense with parliaments, assumed a greater boldness, 'especially if they found themselves above the reach of ordinary justice, and feared not extraordinary, they by degrees thought that no fault which was like to find no punishment' (*Hist.* vol. i. p. 119). These two, as they ever lamented together the degeneracy of men in halting in the grand work—not going *thorough*—were the most notable examples of this.

Now, after all this, what will be the reader's surprise to find the following passage in Mr. Hume's *History*, regarding the Council of York? '*It is not improbable that the king's intention was only to prevent inconveniences which arose from bringing of every cause from the most distant parts of the kingdom into Westminster Hall.* But the consequence, in the

meantime, of this measure, was the putting of all the northern counties out of the protection of ordinary law, and subjecting them to an authority *SOMEWHAT* arbitrary.' If I understand the meaning of the word arbitrary, it is to dispense with all rules, thus leaving every matter to the will of the sovereign and his ministers.

'Complaints,' says he, 'were about this time' (year 1637) 'made that the petition of right was, in *some instances*, violated.' Did he attend to the nature of that statute, or the distinction between a government of will and a government of law?—Were not the whole northern provinces, according to his own admission, put out of the pale of the law altogether? Was not an arbitrary government also established in the south?

Elizabeth, it was declared to be illegal, as causes regarding property, whether real or personal, could only be decided by the laws of the land. In the seventh of King James, however, a new commission was granted, which differed from all the preceding. For the commissioners were no longer ordained to inquire *per sacramentum bonorum et legalium hominum*; and hear and determine *secundum leges Angliæ*; but were referred merely to secret instructions which, for the first time, were sent thither. This at once left the whole people of the northern part of England at the mercy of the king, or the caprice and rapacity of his ministers, and was so flagrant a breach of every principle of justice, that the judges of the Common Pleas, matters not having attained the lamentable pitch they afterwards arrived at, had the courage to discharge their duty, by issuing prohibitions to the president and council; and James himself ordered the instructions to be enrolled, that people might, in some measure, ascertain by what rules their conduct must be regulated. But in the present reign, when Wentworth, who had himself so loudly called for the petition of right, that all pretext for arbitrary government should be withdrawn, was made president of the North, he swept away the little semblance of justice that remained, having declared that he would lay any man by the heels who ventured to sue out a prohibition at the courts at Westminster. The commission was renewed in his favour three several times; in the fourth, the eighth, and the thirteenth of this reign; and in that of the eighth, 'a new clause was inserted,' said Clarendon, then Mr. Hyde, in an address to the lords in parliament, 'for the granting, sequestering, and establishing possessions, according to instructions crowded into a mass of new, exorbitant, and intolerable power.'

'Though our complaint,' continued he, 'be against the commission itself, and against the whole body of those instructions, I shall trouble your lordships with the ninth instruction, though it be but short, which introduceth

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that *miseram servitutem, ubi jus est vagum et incognitum*, by requiring an obedience to such ordinances and determinations as be, or shall be, made by the council-table, or High Commission court; a grievance, my lords, however, *consuetudo et peccantum claritas nobilitaverint hanc culpam*, of so transcendent a nature that your lordships' noble justice will provide a remedy for it with no less care than you would rescue the life and blood of the commonwealth.' He goes on to state that there were no fewer than fifty-eight instructions—all of them *beside* or *against* law; 'and,' continues he, 'can such a court as this deserve to live? What a compendious abridgment hath York gotten of all the courts in Westminster Hall? Whatsoever falls within the cognisance or jurisdiction of either courts here is completely determinable within that one of York, besides the power it hath with the ecclesiastical and High Commission courts.

'What have the good northern people done that they only must be disfranchised of all their privileges by Magna Charta, and the petition of right? For, to what purpose serve these statutes, if they may be fined and imprisoned without law, according to the discretion of the commissioners? What have they done that they—that they alone, of all the people of this happy island, must be disinherited of their birthright, of their inheritance? For prohibitions, writs of habeas corpus, writs of error, are the birthright, the inheritance of the subject.

'Now, these jurisdictions tell you, you shall proceed according to your discretion, *secundum sanas discretiones*, that is, you shall do what you please; only that we may not suspect this discretion will be gentler and kinder to us than the law, special provision is made in the instructions that no fine, no punishment shall be less than by the law is appointed, by no means, but as much greater as your discretion shall think fit. And, indeed, in this improvement, we find arbitrary courts are very pregnant;

if the law require my good behaviour, this discretion makes me close prisoner; if the law sets me upon the pillory, this discretion appoints me to leave my ears there. To proceed according to discretion, is to proceed according to law, which is *summa discretio*, but not according to their private conceit or affection. For *talis discretio*, saith the law, *discretionem confundit*. And such a confusion hath this discretion in these instructions produced, as if discretion were only to act with rage and fury. No inconvenience, no mischief, no disgrace, that the malice or insolence, or curiosity, of these commissioners had a mind to bring upon that people, but, through the latitude and power of this discretion, the poor people hath felt. This discretion hath been the quicksand which hath swallowed up their property—their liberty.*

It is impossible to add to this picture, and, considering whence it proceeds, there is no occasion to doubt its truth.

Such was the civil government; and we shall now take a view of the ecclesiastical and the religious innovations. Foreigners remarked that the English bishops believed all that was taught by the *church*, but not by the *court* of Rome; and whoever will take the trouble to peruse the works which were patronised by Laud, and attend to the Scotch canons and liturgy, and read those works of Baillie and Prynne, in which they expose the tenets, will be satisfied that there was not one article of the Catholic faith which had not received the sanction of the king and his hierarchy. The people were interdicted, under severe penalties, from any defence of their own creed; and even the Protestants abroad, as well as those at home, were pursued with an increasing cry of reproach; and, while every attack upon the Romish church and religion was

Religion.

* Rush. vol. ii. p. 158 *et seq.* vol. iii. 136; Rymer, tom. xix. pp. 8 to 25, p. 410 *et seq.* By this last prohibition, writs of *habeas corpus*,

&c. were only to be allowed when the court exceeded its instructions! Art. 29.

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punished with the utmost cruelty, a direct defence of that church was published by one Chowney, and dedicated to, nay patronised by, Laud himself, then the primate.* Under this ecclesiastic, books which had been previously deemed the purest fountains of orthodoxy, and had run through numerous editions, as Fox's 'Martyrs,' Jewell's Works, and even the 'Practice of Piety' itself, which had been reprinted thirty-six times, were suppressed.† The Liturgy, too, was in some respects altered, to bring it to a nearer conformity with the Romish; and what it still wanted from the caution of those concerned in the innovations was to be found in that which was obtruded from the same quarter upon the people of Scotland. Indeed, the doctrine of the high-church clergy was, that the church of Rome was the mother church, erring not in fundamentals, and was in fact the only medium through which a Christian church or even priest could exist; and that a general reconciliation of the various churches to their common parent would be a desirable event. They did, no doubt, talk of minor corruptions; but they never distinctly specified in what these consisted. In the meantime, the hierarchy were encouraged by Charles to maintain that they held their jurisdiction from God (*jure divino*); 'doctrine,' says Whitelocke, 'for which they might have been censured in the times of Henry II. and Edward III.—and which denial of the supremacy of the king under God, Henry VIII. would have taken ill, and, it may be, would have confuted them by his kingly arguments and *regiâ manu*!'‡ Had they merely asserted that bishops were an order of ecclesiastics sanctioned by the word of God, there had been no cause of complaint; but the consequences which they meant to attach to the divinity of their order were alarming. They, like the Presbyterians, desired to be independent of the civil

* Whitelocke, p. 22.

† Laud's *Trial*.

‡ Whitelocke, p. 22; Rymer,

tom. xx. pp. 143, 168. The statute 1 Edward VI. was determined not to be in force. Rush. vol. ii. 450-1.

authority, that is, the authority of parliament, and to confer upon the decrees of a convocation all the effects of legislative enactments, or even of infallibility. The lawfulness of prayer for departed souls, an engine by which great property had, in former times, been drawn from the credulous ; the lawfulness of images, and of the adoration of the altar, with the real presence ; the necessity of confession, and efficacy of absolution, and that protection was afforded by tutelar saints, were all keenly maintained. The same reverence as in the Popish church was exacted by the clergy, the same respect to days, meats, and vestments ; while all the pomp and ceremony of the Catholic worship were restored. Disparagement, too, was thrown upon the reigns of Henry VIII. and Edward VI. for the measures in regard to religion ; and in the very statutes for the University of Oxford, devised by Laud, statutes equally repugnant to civil and religious liberty—‘the much-to-be-admired felicity of Mary’s reign’ was alluded to.* While holidays were revered, the Sunday was despised ; works were encouraged against it, and the attempt to defend the regard paid to it was punished by the High Commission. The ‘Book of Sports’ was appointed to be read in all the churches, inviting people to recreations and pastimes on that day—an injunction pregnant with the most remarkable consequences—and plays were, on that day, commonly acted at court.†

The only substantial difference between the state of the English church, as it stood after the innovations of Laud, and what it was before the Reformation, consisted in the clergy’s arrogating to themselves exclusively the powers which, by the acknowledgment of the Pope’s supremacy, had then been divided with his holiness.

* Rush. vol. ii. p. 334.

† Heylin’s *Life of Laud*, p. 257 et seq. ; May’s *Hist.* p. 24. See Laud’s *Diary* for March 28, 1624,

in proof of his respect for holidays. He would have had no sports on these days.

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But foreigners expected the relapse of England into the bosom of the mother church, and the measure appears to have been seriously intended by Charles and his grand ecclesiastical adviser. No sooner had Laud been promoted to the primacy than a cardinal's hat was tendered him; and his refusal, as recorded by himself in his Diary, is so singular, that we should be doing injustice to our readers by withholding it. 'August 4th, Sunday. News came to court of the Archbishop of Canterbury's death; and the king resolved presently to give it to me, which he did August 6th. That very morning, at Greenwich, there came one to me, seriously, and that avowed ability to perform it, and offered me to be a cardinal. I went presently to the king, and acquainted him both with the thing and the person. August 17th, Saturday. I had a serious offer made me again to be a cardinal: I was then from court; but so soon as I came thither, which was Wednesday, August 21st, I acquainted his majesty with it. But my answer again was, that *somewhat dwelt within me* which would not suffer that, *till Rome were other than it is.*' It is beyond all question from this that Laud suffered a struggle in his own bosom; and, from his haste to acquaint the king of the circumstance, it was evident that his own answer was in some measure to depend upon his majesty's pleasure. It will be remarked, that, in mentioning the second offer, he, after stating that he had apprised the king of it, adds, that his answer *again* was, that somewhat dwelt within him, and yet that he does not think it necessary to state what answer he returned, speaking of the first: and that, which is the most important fact, it does not appear to whom the answer was made—whether to the king or to the person who proposed the cardinalship. He is then speaking of the king, and his majesty's observations are withheld. If the answer were made to the king, then his majesty's favourable feelings towards the proposal is indisputable;—If to the proposer himself, there was assuredly no need of posting

to the king with a matter on which the primate was himself determined. At all events we are led to believe that the answer depended upon the archbishop himself, and not upon Charles; but we have still to complain of being deprived of the monarch's observations. And one thing is indisputable, that, had this ecclesiastic firmly, as became an English divine, to whom, since it evinced such an unfavourable idea of his integrity to his principles, it was an insult, refused the first offer, he never would have been troubled with a second. But it is quite evident that he regarded it in a very different point of view. The following passage of a letter written by him on the 9th of the next month, to his great friend Wentworth, throws much light upon this subject. 'I must desire your lordship not to expect more at my hands than I shall be able to perform, either in church or state; this suit hath a great deal of reason in it; for you write that ordinary things are far beneath that, which you cannot choose but promise yourself of me in both respects. But, my lord, to speak freely, you may promise yourself more in either kind than I can perform: for, as for the church, it is so bound up in the forms of the common law, that it is not possible for me, or for any man, to do that good which he would, or is bound to do. For your lordship sees, no man clearer, that they which have gotten so much power in and over the church, will not let go their hold. They have indeed fangs with a witness, whatsoever I was once said in a passion to have. And for the state, indeed, my lord, I am for *Thorough*, but I see that both thick and thin stays *somebody*, where I conceive it should not; and it is impossible for me to go thorough alone.'*—From this it appears that Laud was restrained in his thirst for innovation, and extending the ecclesiastical power as well as the civil; and we may conclude that the *somebody* who was stayed by the thick and thin system was Charles

* *Straff. Let. and Disp.* vol. i. p. 111.

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himself. Laud had no merit in resisting an offer which he durst not accept; and if this complaint against the king be coupled with his statement in his Diary, it may perhaps be inferred that he was as much chagrined with his majesty on account of the church as the state. But it is amazing that the most profligate men, especially of that calling, are the first to talk of patriotism and conscience. He concludes the paragraph in these words: 'Besides, *private ends* are such blocks in the public way, and lie so thick, that you may promise what you will, and I must perform what I can, and no more.'

It has been supposed that his refusal proceeded from an unwillingness to acknowledge a superior in another country, while the supremacy was admitted by the sovereign to centre in himself as head of the church. But, though there is great apparent soundness in the idea, it is not supported by what he himself states, and the attempt at reconciliation which he subsequently made. The authority of the clergy was promoted, because, from their preferment depending upon the crown, they supported his own pretensions; but, were the supremacy of the pope restored, their allegiance would be divided, their dependence on the prince somewhat diminished. Hence Laud might aspire to the protection of a foreign power, too remote to injure him, as it might enable him to have more influence in England; but the prince had, to a certain degree, an opposite interest, which, superadded to a sense of the convulsions likely to ensue, probably determined Charles at this time. The negotiation was, however, afterwards renewed, and even Heylin himself seems reluctantly to admit that it was seriously entertained. Con, Panzani, and others, acted in England as the avowed residents of the pope.*

Lest the object of the king and clergy should meet with obstruction from opposite principles, all lecturing was

* Heylin's *Life of Laud*, p. 412 *et seq.*

prohibited, lay dependencies struck at, teaching of any kind interdicted, except by such as were licensed by the ordinary, and the privilege of keeping chaplains, though still allowed to the nobility, was now denied to private gentlemen. The idea of such a privilege was reprobated by the ruling party, and the chaplains themselves spoken of most rancorously, by the title of *trencher-chaplains*.* The cause is obvious. Their employers selected men of qualities adapted to their creed, and that detracted from the power of the hierarchy. While the Catholics were encouraged, all nonconformity of a popular kind was visited with severe punishment. To such a height was this carried, that the privileges in regard to worship which had been granted to the Dutch and Walloon congregations, the descendants of those who had fled from persecution on the Continent, were withdrawn in spite of every remonstrance, and many of them left the kingdom.† The regiments abroad had indulged in a worship not altogether consonant to the schemes of the patriarch of the West,‡ as he wished to be styled, and rigorous measures were adopted to bring them to conformity. This, however, was little. The very factories abroad, which, as they were removed from English jurisdiction, might have been allowed the undisturbed enjoyment of their religion,

* Heylin's *Life of Laud*, pp. 200 *et seq.* and 255; *Introductio to Laud's Trial*, and *Trial*, by Prynne; May's *Hist.* p. 21 *et seq.*; Whitelocke, p. 18. It is a singular fact, that Cardinal Richlieu, having taken offence at the Pope, threatened to call a national council, and choose a patriarch for France. Clarendon's *Papal Usurpations*, p. 542.

† Rush. vol. ii. pp. 272 and 273; *Laud's Trial*, by Prynne, pp. 27, 33, 388 *et seq.*, 539 *et seq.*; Heylin's *Life of Laud*, p. 276 *et seq.*

‡ Cob. *Parl. Hist.* vol. ii. p. 671. There are a good many letters in the State Paper Office under the title of France, for the years 1626, 1629, and 1630, which throw much

light on this subject. They show that a great number of what were by the court justly styled libels, as well as more formal books, were published in Holland against the English Liturgy, and refer to the preculsion of the Service Books in the English troops in the Dutch service. Laud seems to have writhed under those productions. We are all satisfied with the small fines imposed for the bending of them. He would of course have dealt differently with them, had they come under his power. Hugh Peters appears by the letters which he kept to have been at this time a distinguished preacher in Holland.

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felt themselves in this respect within the power of Laud. The same policy was followed in regard to the American plantations—thus proving that men had no hope of relief from persecution for worshipping God according to the dictates of their conscience, since the arm of power pursued them even to the then savage climes beyond the Atlantic. Such was the spirit of the cabinet, that as the colonies, by affording an asylum from civil and religious oppression, were thought to encourage a spirit of resistance, measures were adopted to prevent emigration.*

~ It was well remarked, by a cotemporary of this reign, that 'where there was no religion, yet there was superstition.'† Without making any further remarks about the display of crucifixes, and superstitious observances in general, we shall content ourselves with the following instance of the mummery introduced. St. Katherine Creed Church having undergone some repairs, was suspended from all service till it should be consecrated, and the ceremony was performed thus:—At Laud's approach to the west door, some of his attendants cried out with a loud voice, 'Open, open, ye everlasting doors, that the King of glory may enter.' The doors flew open, and the prelate, with some doctors and other chief men, entered the church, where Laud, falling down upon his knees, raising his eyes, and extending his arms, exclaimed, 'This place is holy, the ground is holy; in the name of the Father, Son, and Holy Ghost, I pronounce it holy.' Then, as he and his attendants approached the chancel, he took up dust several times, and threw it into the air. As they drew nigh to the rail and communion-table, now styled an altar, he bowed towards it repeatedly. After this they went round the church chaunting the hundredth, and then the nineteenth Psalm; and, lastly, said a prayer ending with these words: 'We consecrate this church, and separate it unto Thee as holy ground, not to be profaned

Consecra-
tion of
Creed
Church,
January
16, 1631.

* Rush. vol. ii. pp. 298, 408 *et seq.*; Rymer, tom. xx. p. 143; Heylin's *Life of Laud*, p. 368.

† May, p. 19.

any more to common use.' He next, while standing near the communion-table, took up a *written* book, and pronounced curses upon all such as should afterwards profane that holy place, by musters of soldiers, keeping profane law-courts, or carrying burdens through it; and, at the end of every curse, he bowed towards the east, and said, 'Let all the people say, Amen.' After the curses followed blessings upon all who had been concerned in framing and building that sacred and beautiful edifice, and those who had given or should thereafter give any chalices, plate, ornaments, or utensils; and at the close of every blessing he bowed towards the east, and said, 'Let all the people say, Amen.'

The sermon followed, and then he consecrated and administered the sacrament in the following manner. As he approached the table, he made several low bows; then going to that side where the bread and wine stood covered, he bowed seven times; after reading many prayers, he went to the bread, and gently lifted up the napkin in which it was laid; but, having got a glance of it, he dropped the napkin, flew back a step or two, bowed towards it thrice, and again drawing near, repeated his bows. He next laid his hand upon the cup (which was covered, and full of wine), but instantly withdrawing his hand, retired, and bowed towards it three times. Again he approached, and, lifting the cover, peeped into the cup; but immediately dropping the cover, retired, and bowed as before. After this he received the sacrament himself, and dispensed it to some of his chief attendants, which, with many prayers, ended the solemnity.*

Such were the religious innovations of this reign, and surely never was any set of men treated with more injustice than those who resisted them. All this introduction of mummary and new doctrine has been vindicated, on the ground that the authors of the innovations were actu-

* Rush. vol. ii. p. 76 *et seq.*

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ated by pure motives, while the people, who refused compliance with such audacious novelties, have been treated with every species of contumely and scorn. The first have been extolled for their injudicious piety; the last bitterly condemned, because they did not, by passively adopting every order from the throne, exhibit all the indifference which could be manifested by a nation of free-thinkers, who were likewise lost to a sense of the civil rights that had descended to them from their ancestors.—Much has been said about the gloomy austerity of the age; and as the wildest were always selected by their antagonists as examples of the spirit of the party, (what party will not contain zealots who push the common principles absurdly far?) so the most dismal picture has been drawn of the popular party—the bulk of the kingdom. But, in truth, the nation was, by the measures of the ruling faction, necessarily driven into an enthusiastic attachment to its creed. When all that men venerate is attempted to be wrested from them, and opposite principles are obtruded, they would cease to be endowed with the feelings of humanity, were they not inspired with the most lively devotion to their cause, and with horror at the unjust sacrifice so arbitrarily demanded, and so bloodily pursued.

It is now high time to present a picture of some enormities of the Star Chamber, and other arbitrary courts, which have not yet been noticed.

Leighton's
case in the
Star
Chamber,
1630.

Alexander Leighton, a native of Scotland, united in his person the characters of physician and divine, having taken his degree at Leyden as doctor of medicine, and having subsequently entered into orders, was ordained a minister of the English church at Utrecht. A man of great ecclesiastical learning, with an acute intellect, he was yet of as narrow, contracted a mind as Laud himself. While he complained loudly of the cruel intolerance of the ruling party, his principles, though opposed to the episcopal hierarchy, were so inconsistent with toleration, that, in the

very treatise about to be mentioned, he bitterly condemned the Dutch for not fully suppressing popery. He says, that if that republic were actuated by pure principles, ‘then would they not, with Sultan Solymán, or blanched atheists, make so much of that Machiavelian principle, that a state may tolerate any religion, if it be for its profit: which is directly, as one observeth, against the nature of God and true religion, for there must be but one; the virtue of the commandment; the office of the magistrate (the dealing of idolators with their false worship confirms this truth); and lastly, it is against the true ‘profit of the state.’* In the horrid treatment he suffered, therefore, he only experienced the ills he would, on these principles, have inflicted.

During the session of parliament in 1629, the High Commission court and the spiritual courts had rendered Laud, then bishop of London, and his brethren, so generally odious, that several gentlemen and citizens called upon Leighton, at his house in Blackfriars, London, where he practised medicine, and requested him to draw up articles against such oppression. Having undertaken the task, he wrote a book, which he entitled ‘An Appeal to Parliament, or Sion’s Plea against Prelacy,’ which he was advised by his friends, who liked it, to retire with to the Continent and print. But this he declined, till about 500 people, amongst whom were several members of parliament, set their hands to it by way of approbation. Having got it printed abroad, he returned to England, and delivered two copies to the parliament, only two days before the dissolution. The work was deeply erudite; but his language was scurrilous and indecent. He called the bishops antichristian, men of blood, and the like, saying, ‘We do not read of a greater persecution and higher indignities against God’s people in any nation than in this since the days of Queen Elizabeth.’ Maintaining that

* *Sion’s Plea against the Prelacy*, p. 135, 2nd edit.

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'the church hath her laws from the Scripture, and that no state or king could make laws for the house of God,' he bitterly condemned the canons and ceremonies. He also called the queen, on account of her religion, the daughter of Heth;* affirmed, 'that all that pass by spoil us, and we spoil all that rely upon us'—particularly referring to the case of Rochelle; and said, 'What pity it is that so ingenuous and tractable a king should be so monstrously abused by the bishops, to the undoing of himself and his subjects!'

The attack upon the bishops and the exposure of their usurped power were not to be forgiven. Leighton was seized by pursuivants of the High Commission, abused by them with the opprobrious epithets of jesuit and traitor, and carried to Laud's house, where he was confined many hours without food. From thence he was dragged to Newgate, where he was loaded with irons, and thrust into a loathsome dog-hole, full of vermin, and not defended by a sufficient roof from the inclemency of the weather. From the first Tuesday night till Thursday at noon he was allowed neither meat nor drink; and for the first fifteen weeks no friend, not even his wife, was admitted to his dungeon. After that, his wife, but none else, was allowed to visit him. In the meantime his house was plundered, and his family both rifled by pursuivants of the High Commission, and subjected to their brutal insolence. These wretches held a pistol to the breast of one of his sons, then only five years old, threatening to shoot him if he did not discover where his father's books were, and so affrighted the poor child that he never recovered it. Leighton was refused to be bailed, though he was entitled to demand it. Sir Robert Heath, then attorney-general—'a fit instrument for those times,' according to

* The passage regarding the queen was this: 'A fourth thing that we much importuned God for was, the breaking of the Spanish match, and our prince's safe return from Spain. God, in mercy, granted both; but we were so unthankful for both these

in a right manner, and brake up our watching over him for a bitter helper, that God suffered him, to our heavy woe, to match with the daughter of Heth, though he mist an Egyptian' (*Sion's Plea against the Prelacy*, p. 94, 2nd edit.).

Whitelocke—had the meanness to visit him in Newgate, for the inquisitorial purpose of wringing information from him, and ‘used him with cruelty and deceit.’ The doctor was promised both pardon and favour if he would disclose the names of the five hundred who incited him to write the book; but he had spirit enough to reject the pitiful offer, and he was served with an information to appear before the Star Chamber, to answer for many positions and assertions hurtful to the prerogative, and calumnious to the king, the queen, and the prelates, as well as the general ecclesiastical establishment.

Long confinement in so wretched a hole induced a violent distemper, attended with loathsome symptoms, as the falling away of his hair and the peeling off of his skin; but nothing could mollify the rancorous malignity of his enemies, and, in spite of a certificate by four physicians, that, as his disease was desperate, he was not in a fit condition to appear in court, he was carried thither.

In court he confessed the publication, but denied the malicious intention imputed to him, declaring that his object was merely to demonstrate certain grievances in church and state, that parliament might take them into consideration, and afford such redress as might be conducive to the honour of the king, the quiet of the people, and the peace of the church. This defence was disregarded; and the court declared the book to be full of most pestilent, devilish, and dangerous assertions, to the scandal of the king, the queen, and the peers, particularly the prelates; and to merit the most severe punishment which that tribunal could inflict. The two chief justices who sat in that detestable place affirmed that, had the case been tried before them elsewhere, they would have, without scruple, proceeded against him for high treason; and other lords, taking up the same ground, dwelt upon his majesty’s great mercy and goodness in bringing him before a tribunal which pursued a milder course. This sentence was, that he should be amerced 10,000*l.*, a sum far beyond

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his means ; and, after degradation by the High Commission, to which they referred him (for such was their reverence for his calling that they could not suffer the infliction of any corporal or ignominious punishment while he continued in orders), he should be whipt at Westminster, and set in the pillory there, during the sitting of the court ; have one ear cut off, one side of his nose slit, and one cheek branded with S.S. for sower of sedition : That he should then be carried back to prison, and, at a future convenient time, be brought to Cheapside on a market day, and be there whipt again, and set in the pillory, and have his other ear cut off, his other cheek branded, and the other side of his nose slit. After which was only to follow imprisonment for life. We are told, though, for the honour of human nature, one feels disposed to disbelieve it, that when this horrible sentence was pronounced, Laud—that patriarch of a Christian church, that grand minister of a religion which teaches charity and goodwill to men—with fiend-like triumph over his prostrate victim, pulled off his cap, and gave thanks aloud to God, the Father of mercies.

This sentence was pronounced towards the end of Trinity Term ; but as the court did not usually sit after that term, and it required some time in the ecclesiastical court for his degradation, it was Michaelmas before any part of the sentence could be executed. He was degraded on the 4th of November ; and on Wednesday, November the 10th, a Star Chamber day, he was to have undergone his punishment ; but, on the preceding evening, he contrived to escape from prison, and, as he was not immediately retaken, it was the 16th before the tragedy of whipping, branding the cheeks, slitting the nose, &c. commenced. We have been the more particular in our detail of this case, because a most unfaithful picture of it—a picture calculated to convey a very false idea of the government—has been given by Mr. Hume. ‘Leighton,’ says he, ‘who had written libels against the king,

the queen, the bishops, and the whole administration, was condemned by a very severe, if not a cruel sentence; *but the execution of it was suspended for some time, in expectation of his submission. All the severities, indeed, of this reign were exercised against those who triumphed in their sufferings, and braved authority; and on that account their punishment may be deemed the more just, but the less prudent.* It is impossible for any statement to be more remote from the truth. The best submission which Leighton could make, was a denial of any evil intention; and that he did, while nothing further of that kind was required of him. The delay in the execution of the sentence has been explained; and as to the general character of this reign, it is no less unjust. Mercy was not its attribute. But Mr. Hume has not advanced this statement without giving something in the shape of authority; and, to the superficial reader, that is enough. We have already had occasion to remark the exquisite felicity with which he has culled out everything in the form of authority which seemed to warrant his statement, while he disregards the most palpable and indisputable evidence of a contrary nature; and here we have a remarkable proof of his way of proceeding. Rushworth, Heylin—nay, Laud himself—every other cotemporary, supports our text. These the historian could not possibly overlook; but, as if they were entitled to no respect, he passes them over in silence, and refers only to the third volume of Kennet's 'Complete History,' the production of some nameless violent party-writer, who published in 1708, or about eighty years after the event, and who approves of the proceedings. Of itself, this is as unworthy of credit as any naked assertion in a work of the present day; and there is not a reference to any authority whatever.

The sentence in regard to the corporal punishment was not only executed to the letter, but with the utmost barbarity, though, when a knight, dreading that the precedent might at some future period be used against the

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higher classes, expressed dissatisfaction at the judgment, it was alleged that the sentence was only pronounced *in terrorem*. The imprisonment was equally severe.*

Sherfield's
case, 1632.

Henry Sherfield, benchet of Lincoln's Inn, and recorder of Sarum, was accused of having irreligiously taken pictures of God the Father from a glass window in St. Edmund's Church in Salisbury. But his defence appears to have been complete: That it was a lay-fee, and fell exclusively under the management of the parishioners, instead of the bishop of the diocese: That they had ever exercised their right without challenge; and the vestry—amongst whom were six justices of peace present—moved by a current report that some ignorant persons had committed idolatry by bowing before this resemblance of God, had issued an order for the execution of the very act with which he stood charged: That, besides all this, the statutes and ecclesiastical canons not only justified him in destroying such monuments of idolatry, but enjoined it as a duty: That the pictures were, of themselves, as paltry in the execution, as they were mean and impious in the design—representing the Deity in a variety of postures, as, for instance, a little old man in a long blue gown, with a pair of carpenter's compasses in his hand, measuring the sun—and did not, at the very first, cost above forty shillings:

* Rush. vol. ii. p. 55 *et seq.*; Franklyn, pp. 374, 375; Sanderson, p. 144; *State Trials*, vol. iii. p. 383. It is but justice to Laud to say, that Rushworth has surely fallen into an error about an entry in Laud's *Diary*, detailing the punishment; and that Neal, Oldmixon, &c. have followed up this mistake by remarks upon the unrelenting ferocity of the man that could coolly sit down to describe this barbarity for his own recollection. Heylin, in his *Life of Laud*, p. 198, and Sanderson, p. 141, charge Leighton with having advised to slay all the bishops, by striking them under the fifth rib; and in this they are followed by Whitelocke, p. 15; but I can find nothing of the kind

in the pamphlet itself, and he was not accused of that—a circumstance which I hold to be quite conclusive. Besides, the expression of giving a man a blow under the fifth rib, as refuting him in argument, was quite common. Sir Edward Dering said that Laud had done so to the Pope. (Heylin's *Life of Laud*, p. 360; Laud's *Diary*; Neal's *Hist. of Puritans*, vol. ii. p. 217 *et seq.* See Dr. Benson's *Tracts*, No. ix. *A Brief Account of Archbishop Laud's Cruel Treatment of Dr. Leighton*. This Leighton was father of the well-known Scotch arch-bishop, of whom Burnet speaks so highly, and whose works are so much prized. See Kennet, vol. iii. p. 60.)

That they could easily be replaced; and that he was willing to obey any orders of the vestry to restore them.— All this availed him nothing. Some of the lords were for amercing him 1000*l.*; but the majority inclining to 500*l.* only, he was fined that sum, besides being condemned to lose his office of recorder, make a public acknowledgment of his offence, and be bound over to his good behaviour.*

John Overman, and fifteen other soap-makers, were accused of offending against his majesty's proclamations and patents regarding the manufacture and sale of soap. In defence, they pleaded several acts of parliament, letters-patent, charters, and acts of common council. The court, however, instead of considering this plea, referred generally to the opinion of Sir Robert Berkeley, one of the justices of the King's Bench. As they only wanted a pretext for oppression, the character of the judge afforded a sufficient security for obtaining it. The pertinacity of the answers or defence certified that the whole answers or defence should be expunged, excepting four words at the beginning, and the last ten lines, which contained nothing farther than the plea of Not guilty. Another reference was made to the Court of King's Bench about the pertinency of the interrogatories, and the depositions of the witnesses on the part of the defendants; and this worthy judge, with his compeers, certified, that thirty-nine of the interrogatories, and the answers, should be expunged; and they were expunged accordingly. Thus these unhappy men were not even permitted to be heard in their own defence. But the court acted judiciously. They required not to be told that the proclamations which the defendants contravened were grossly illegal; and as they were yet resolved to support those breaches of the law and constitution, it was needless to pass through the

Case of
Overman
and others,
1634.

* Rush. vol. ii. p. 152 *et seq.*; Doome, pp. 102-3, 488-9, 491-5;
vol. iii. App. p. 54; Franklyn, State Trials, vol. iii. p. 519 *et seq.*;
p. 410 *et seq.*; Frynne's *Canterbury's* Heylin's *Life of Laud*, p. 228.

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mockery of legal pleadings. The defendants were sentenced to be committed to the Fleet, and rendered incapable of ever afterwards following their trade; while one of them was, besides, fined 1500*l.*, other two 1000*l.* each, four others 1000 marks a-piece, and the other nine 500*l.* each. The fines were estreated into the exchequer without mitigation. It is unnecessary to add, that such proceedings were ruinous to these poor men and their families.*

Cases of
Rea and
others,
1636.

John Rea was sentenced to imprisonment during his majesty's pleasure, and to be liberated only upon finding caution for good behaviour; fined 2000*l.*, and condemned to stand in the pillory with a label declaring the nature of his offence; merely, forsooth, because he exported fuller's earth in the face of a proclamation. Peter Hern and two others were fined 2000*l.* a-piece; another, 1000*l.*; two others, 500*l.* each; and a seventh, 100*l.*, for exporting gold, which was prohibited by proclamation.†

'In order to account for the subsequent convulsions,' says Mr. Hume, '*even these incidents* are not to be overlooked *as frivolous and contemptible*. Such severities were afterwards magnified into the greatest enormities.'

Case of Sir
D. Foulis
and his
son, 1633.

Sir David Foulis, a member of the Council of York, was, upon a charge of speaking irreverently of his office, opposing the commission of knighthood, and throwing out against Wentworth some remarks, which he denied, fined by the Star Chamber, 5000*l.*; assessed in damages to Wentworth, 3000*l.*; and ordained to make an acknowledgment of his offences both to his majesty and to Wentworth, not only in the Star Chamber, but in the Court of York and at the assizes, and condemned to imprisonment during the king's pleasure, as well as to be deprived of his various offices of member of the Council of York, deputy lieutenant, and justice of peace. His son, Henry, was likewise fined 500*l.*‡ In this prosecution, we

* Rush. vol. ii. p. 252-3; iii. p. 54. † *Ibid.* vol. ii. p. 348 *et seq.*

‡ *Ibid.* vol. ii. p. 215; *State Trials*, vol. iii. p. 586.

have a remarkable instance of the vindictive temper of Wentworth, and of the corruption of Laud and other ministers of the crown. Nay, Charles himself cannot, in this case, any more than in others, escape from the charge of having encouraged a tribunal to pronounce a sentence for the gratification of private feelings ; in other words, to pervert the very end of a trial, and commit perjury, by violating the oath to do justice. Wentworth was mean, profligate, and revengeful enough to solicit the king and the lords of the council to condemn the Foulis's, and lay a heavy fine and other punishment upon them. The following words were addressed to Lord Cottington :—‘ I am a suitor by you to his majesty, that he would be graciously pleased to recommend the cause to the lords, as well in his own right as in the right of his absent, poor servant, and to wish them all to be there.’ He then proceeds to give his opinion upon the extent of the fine, as Cottington was likely to begin. ‘ First, I desire you to remember how Greenfield was fined for calling Lord Suffolk a base lord : how a jury gave 3000*l.* damages to my Lord Say for the same words ; and then balance the slander most ignominiously and maliciously put upon me by Sir David and his son, and let me be not less valued than other men, when I conceive that I merit to be more regarded than they,’ &c. ‘ I was, albeit unworthy, in that place, chief governor under his majesty, his lieutenant, and president of the council, which makes this a direct mutiny, and stirring up a sedition against the regal authority, as well as me. Much more could I say if I were in the Star Chamber to speak for my Lord Cottington. But I will conclude with this, that I protest to God, if it were in the person of another, I should, in a cause so foul, the proof so clear, fine the father and the son, Sir David and Henry Foulis, in two thousand pounds a-piece to his majesty, and in two thousand pounds damages to myself for their scandal ; and they both to be sent down to York, and there publicly, at York assizes next, to acknowledge in the

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face of the whole country, his majesty's right to the duty of knightings, and the wrong to Wentworth; craving pardon, expressing sorrow for his offence to the king, and for having slandered the writer.* After the sentence, he thanked all the members of the court particularly, and assured Laud in a letter, that he never expected to have it in his power to repay the obligation. Laud answers, 'I have given my lord of London thanks from your lordship, though neither myself nor he expect any such compliment from you, where the justice of your cause challenged all we did, and where I conceive the king was more concerned than your person, and howsoever, *where you serve the church so heartily, we churchmen were much to blame if we should not serve you.*'† It need scarcely be observed, that the remark about the church clearly proves that Laud's idea of it was totally independent of Christianity or morality—since, to favour a man who served it, he would sacrifice the very first principles enjoined by both.

Though it be somewhat out of place, we cannot refrain from relating a circumstance which affords a melancholy proof of Wentworth's irritably infantine jealousy of respect. Henry Bellasis, son of Lord Falconberg, was summoned before the council-board, and ordained to make a humble apology to Wentworth, and to be committed till he made it, because he did not pull off his hat one day to that individual, as the president at York, though he excused himself by alleging, that having been engaged in conversation with Lord Fairfax, he did not perceive the other.‡ Wentworth applied to Charles to be allowed royal reverence in Ireland, as the king's representative, and obtained his wish.§

Case of
Prynne
and others,
1633.

William Prynne, barrister-at-law, was a man of indefatigable study and of an ardent temper, but without

* *Straff. Let. and Disp.* vol. i. p. 144-5 (see also p. 91).

† *Ibid.* vol. i. p. 189, 212.

‡ *Rush.* vol. ii. p. 88.

§ *Straff. Let. and Disp.* vol. i. p. 200.

pretensions to genius, or to an enlarged understanding. His stupendous reading, indeed, was inconsistent with the first, and baneful to the last. He was a great admirer of Preston, a highly popular lecturer, who had been a few years before in great favour at court (it was he who recommended to Buckingham the dissolution of cathedral churches, &c.), and might have, in the general estimation, bid fair for the highest dignity in the church, &c., could he have relaxed his principles.* In the year 1626, Prynne signalled himself as a champion of orthodoxy against Montague and others, for which he was summoned before the High Commission; but as parliament, which, according to Sir Edward Coke, 'brought judges and all men to order,' was sitting at the time his case came on, he easily obtained a prohibition from Westminster Hall. The interference with Laud's jurisdiction so enraged him, that he very nearly laid those who tendered the prohibition by the heels, and treasured up the incident for future revenge.† Prynne was supported by Abbot, and published some other tracts, particularly one against Cosen's Horaries, for which he was a second time summoned into the High Commission, where Laud intended to have ruined him; but, as the last parliament had not yet been dissolved, Prynne was again saved by a prohibition; and the high party lay on the watch for a pretext to destroy

* Heylin's *Life of Laud*, p. 156. This writer does Preston the justice to say, that 'he was (beyond all question) of a shrewd wit and deep comprehension.' Buckingham latterly courted him to get a party. It was thought he might, besides choosing his own mitre, have succeeded Williams as keeper of the great seal. 'But,' says Heylin, 'he was not principled for the court, nor the court for him.' He had been an honest man. He was not seduced by such brilliant offers to desert his principles. The cause of the duke's disgust at him, was a discovery that Preston had 'written to a great peer of the

realm, in which he spoke disadvantageously enough, if not reproachfully, of the court,' (no wonder, when we consider the favourite's character,) 'and signified withal how little hope there was of doing any good in that place for the advancement of the cause.'—*Ib.* Heylin states this to depreciate Preston; but I could not desire a better proof of inflexible integrity. He died about the time Laud was translated to London, and thus escaped that prelate's persecution; for 'Laud,' says Heylin, 'was resolved there should be no more but one bishop in the city.'—*Ib.*

† Heylin's *Life of Laud*, p. 155.

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him.* That could not long be wanting under such a system, and a most extraordinary one presented itself. Stage-plays, masks, and revels were encouraged to an extravagant degree by the court : but they were irreconcilable with the sober seriousness of the strictest Puritans. The authors and players resenting these feelings, and willing to please their patrons, endeavoured to hold up to ridicule a class who did not patronize themselves, and were obnoxious to their supporters, while they had introduced an obscenity revolting to every pure mind. This increased the alienation of the Puritans, whose disgust was greatly augmented by the indecency practised at court of representing plays and exhibiting other sports on Sunday. If ever there were a subject on which it was innocent to exercise one's judgment, this assuredly was so ; and Prynne, with the best intention, espoused the cause of his friends, embracing, at the same time, the opportunity of censuring May-games and other pastimes and practices. But any reasoning upon the innocence of the question must have been out of place before a tribunal where the attorney-general, with its approbation, accused the defendant of having undertaken a cause for which he had *no mission*. Prynne's whole argument might have been comprised in a few pages ; but, when a person of prodigious reading endeavours to prove his position by authority instead of reason, it is impossible to predict into what a boundless field he may enter. The work entitled '*Histriomastix*' was the labour of many years, and swelled out into a thousand quarto pages. It consisted chiefly of the opinions of the fathers, a species of authority, one would suppose, not calculated to allure the generality of readers,† but particularly offensive to

* Heylin's *Life of Laud*, p. 173-4, 230 ; *Canterb. Doome*, p. 507 *et seq.*

† The following is an account of the reception Prynne's works met with : 'His books,' says one of Wentworth's correspondents to him,

'are so valued by the Puritanical party, that a sister lately dying in London, bequeathed a legacy to buy books for Sion College in London, and in her will desired that Mr. Prynne's works, in the first place,

Laud, who affected to venerate them and make them the rule of his conduct. The *Histriomastyx* was licensed by Abbot's chaplain; and in the preface, which he addressed to the benchers of Lincoln's Inn, Prynne assigned his motives for the publication: that, on his first arrival in London, he had, by the importunities of acquaintances, been induced to attend a play four times; but that he witnessed such lewdness as made his penitent heart to loathe, and his conscience to abhor, all stage plays ever after: that he observed with concern the increasing rage for that species of amusement, in so much that there had been about forty thousand productions of that nature sold within a few years, while sermons were, comparatively speaking, neglected, and they were printed on better paper than the Bible itself: and that though there were only three theatres in Pagan Rome, in vicious Nero's reign, there were five now in Christian London, and a sixth was about to be added.

The clergy, who now approached to the church of Rome, ought, had they acted consistently, to have approved of the leading principles of the book; but this was not the order of the day, and Prynne had been marked for sacrifice. The style and bulk of the work were calculated to deter people from the perusal; but the name of the author at once roused Laud and his abettors, and Heylin was employed to hunt out objectionable passages. The manner in which he performed his duty is best explained in his own words. He makes '*notes, and deducts out of them such logical inferences and conclusions as might and did naturally arise in those dangerous premises.*' One copy of the same to be left for the lords of the council, and another with Noy the attorney-general, and the rest of his majesty's council learned in the laws of this realm, which paper gave such satisfaction to the one, and help to the other, that when

might be bought for that use' (Straff. *Let. and Disp.* vol. i. p. 217). There is, undoubtedly, immense research in

all his books, and, occasionally, most important information.

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the cause was brought to a hearing in the Star Chamber, *they repeated his instructions only*, as Prynne himself informed against him to the House of Commons.* By such a course, charges of the following tenor were brought against the author: that players were rogues by statute (which, by the way, was correct); that none were gainers, or honoured by stage plays, but the devil and hell; and that when players and their abettors have taken their wills of lust here, their souls go to eternal torment hereafter; that so many as are in stage plays are unclean spirits, and play-hunters incarnate devils; and that the chief cause of Nero's destruction was his frequenting them. Of dancing, he was alleged to have said, that it is the devil's profession, and so many steps in a dance so many paces to hell. Such were the articles charged. But the offensive part was an exposure of certain innovations in the church, which, though the attorney-general dwelt upon Prynne's alleged language, as he acted without a mission, it was not thought convenient to bring into question. Had such been Prynne's own language and ideas, people of different minds might have properly repaid his abuse of their amusements with contempt and scorn; but there was neither a principle of law, justice, nor common sense, on which he should have been condemned as a criminal. He affirmed afterwards, however, when he had no cause to resort to subterfuges, that the charges were not at all warranted by the text of his book; indeed, false charges were the natural consequence of the course pursued. And any one may satisfy himself, that the offensive expressions are not his own, but borrowed from the fathers, to whose works he invariably refers.

Lest the humanity of Charles should interpose to save this victim of ecclesiastical vengeance, an artifice was adopted to inflame both him and his consort. Six weeks after the publication, her majesty acted a part in a pas-

* Heylin's *Life of Laud*, pp. 230, 231.

toral at Somerset House, and Laud and his friends showed her and the king a passage—women actors, notorious whores (few women appeared on the stage in those times, the characters of females being generally personated by men in women's clothes), and assured them that it was a libel upon her, though, as has just been said, the work had been published six weeks prior to her exhibition.*

Along with Prynne, Buckner, Abbot's chaplain, for licensing the work, and Michael Sparks for publishing it, were charged as accessories to his offence. They were all provided with counsel, who stated their respective cases with moderation and ability. On the part of Prynne, all intention of exciting schism or sedition was solemnly disclaimed. He professed by his counsel the utmost attachment to the king's person and government, and declared, 'That he had taken his oath of allegiance and supremacy in the university and inns of court, where he had taken his degrees. That it never entered into his thought to approve of schism or sedition; and if anything in his book, contrary to his meaning, had a misconstruction towards his majesty's government, he is ready to prostrate himself at his majesty's feet, and crave pardon and grace.' We have been more particular in this statement than we should have deemed compatible with our plan, in order to remove some misrepresentations by which the cruelty of the proceeding has been disguised. Mr. Hume erroneously states, after Clarendon, that Prynne aggravated his punishment by petulance and obstinacy in court, whereas he does not appear to have opened his lips, having committed his defence entirely to his counsel.

This unhappy man was sentenced to stand twice in the pillory, once in Westminster, and once in Cheapside, and to lose an ear at each place; to pay a fine of 5000*l.*, which far exceeded his means; to be degraded from the bar and at the university; and, lastly, to be imprisoned for life.

* Whitelocke, p. 18.

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His book, too, which was generally termed *ordure*, was ordered to be burned by the hangman, in imitation of the practice in foreign countries; such a proceeding being then unknown in England. Buckner was sentenced to be imprisoned, and fined 50*l.*; Sparks was fined 500*l.*, and condemned to the pillory, with a label on his head, declaring the nature of his offence. The court further recommended a prosecution against Prynne in the High Commission, for those parts of his work which reflected upon the church. The chief justice Richardson and Lord Cottington declared it to be mercy in the king to try the author in that court, for that he had been guilty of high treason; and the former affirmed that he would have directed a jury to bring in a verdict to that effect. 'We are troubled here,' said he, 'with a monster, *monstrum horrendum, informe, ingens*. I do not think Mr. Prynne is the only actor in this book; but that there were many heads and hands in it besides himself. I would to God in heaven, that the devil and all else that had their heads and hands therein besides Mr. Prynne, were, &c., for I think they are ill-wishers to the state, and deserve severe punishment, as well as Mr. Prynne doth. For the book, I do hold it a most scandalous, infamous libel to the king's majesty, a most pious and religious king; to the queen's majesty, a most excellent and gracious queen, such a one as this kingdom never enjoyed the like, and I think the earth never had a better. Eye never saw, nor ear ever heard, of such a scandalous and seditious thing as this is.'

Earl Dorset said, 'It is not Mr. Attorney that calls for judgment, but it is all mankind; they are the parties aggrieved, and they call for judgment. Mr. Prynne, I do declare you to be a schism-maker in the church, a seditious sower in the commonwealth, a wolf in sheep's clothing; in a word, *omnium malorum nequissimus*. I shall fine him 10,000*l.*, which is more than he is worth, yet less than he deserveth; I will not set him at liberty, no more than a plagued man or a mad dog, who, though he cannot

bite, he will foam. He is so far from being a sociable being, that he is not a rational soul. He is fit to live in dens, with such beasts of prey as wolves and tigers like himself. Therefore I do condemn him to perpetual imprisonment, as those monsters that are no longer fit to live amongst men, nor to see the light. Now for corporal punishment, (my lords,) whether I should burn him in the forehead, or slit him in the nose, for I find that it is confessed of all that Dr. Leighton's offence was less than Mr. Prynne's, then why should Mr. Prynne have a less punishment? He that was guilty of murder was marked in a place where he might be seen, as Cain was. I should be loth he should escape with his ears, for then he may get a periwig, which he now so much inveighs against, and so hide them, or force his conscience to make use of his unlovely love-locks on both sides.* Therefore, I would have him branded in the forehead, slit in the nose, and his ears cropt too. I now come to this *ordure*; I can give it no better term; to burn it, as it is common in other countries; or otherwise, we shall bury Mr. Prynne, and suffer his ghost to walk.' He also advised a proclamation, calling in all copies, under a threat of bringing such as kept any under the censure of the court.

Prynne had made some allusion to the death of the Emperor Gallienus, and said, Tribellius Pollio relates that Martian, Heraclius, and Claudius, three worthy Romans, conspired to murder that emperor (a man much besotted, and taken up with plays, to which he likewise drew the magistrates and people by his lewd examples), as Flavius and others conspired Nero's murder for the self-same cause. 'Now, my lords,' said Chief Justice Richardson, 'that they should be called three worthy persons that do

* Prynne had published a pamphlet against the use of false hair, which was called love-locks. He maintains that they are unmanly, &c. &c., and unchristian, leading people to place their affections upon their

external appearance, and being an attempt to alter the image of one's Maker by ridiculous ideas of improving it. In the same work he is very zealous against the use of paint by ladies.

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conspire an emperor's death (though a wicked emperor), it is no Christian expression.' The doctrine laid down by these judges was, that if subjects have an ill prince, they must pray to God to forgive him ; but bear with him at all rates. Every one was louder than another in praise of the present king and his consort. Of the latter, Dorset, as if anxious to show his aptitude for the two extremes of the most fulsome panegyric and brutal invective, said, ' Her own example to all virtues, the candour of her life, is a more powerful motive than all precepts—than the severest laws ; no hand of fortune nor of power can hurt her ; her heart is full of honour, her soul of chastity ; majesty, mildness, and meekness are so married together, and so impaled in her, that where the one begetteth admiration, the other love. Her soul of that excellent temper, so harmoniously composed ; her zeal in the ways of God unparalleled. Her affections to her lord so great, if she offend him, it is no sun-set in her anger ; in all actions and affections so elective and judicious ; and a woman so constant for the redemption of her sex from all imputation which men, I know not how justly, sometimes lay on them ; a princess, for the sweetness of her disposition, and for compassion, always relieving some oppressed soul, or rewarding some deserving subject. Were all saints such as she, I think the Roman church were not to be condemned. On my conscience, she troubleth the ghostly father with nothing, but that she hath nothing to trouble him withal. And so when I have said all in her praise, I can never say enough of her excellency, in the relation whereof an orator cannot flatter nor poet lie.' Such was the language of the bench.*

Many of the privy council who sat in the court of Star Chamber on this occasion were suspected Papists, and some of them died such.

* Rush. vol. ii. p. 220 *et seq.* ; vol. iii. Ap. p. 69 ; Franklyn, p. 446 p. 207 ; *State Trials* ; Heylin's *Life of Laud*, pp. 230, 264 ; Whitelocke, *et seq.* ; Straff. *Let. and Disp.* vol. i. pp. 18, 22.

Not sated with this cruel punishment, Laud, and others of the High Commission, ordered Prynne's books and papers to be seized, and brought from his lodgings, that they might be sifted for fresh matter against him ; yet, when he complained of this in the Star Chamber, Laud had the meanness to deny it. Shortly afterwards he wrote a private letter to Laud on the subject of his late trial ; and though, under such circumstances, no generous mind would have regarded even an improper letter, Laud showed it to the king, who ordered it to be delivered over to the attorney-general for prosecution. Noy sent for Prynne to examine him privately ; when that unhappy individual, with less spirit than might have been expected, requested to see the letter ; and as Noy, who had a pressing occasion to retire, left him a moment, he tore it to pieces, and threw it over the window. The pieces were tagged together, but so imperfectly, that Noy was obliged to abandon the prosecution, and Laud took the merit of forgiveness.* The court ordered that Prynne should thenceforth be precluded from the use of pen, ink, and paper.

One Allison had reported for news at Ipswich, and another person of the name of Robins at Yarmouth, that Laud had requested of his majesty, as he was on his way to Scotland, a toleration for the Papists to have churches for worship, and that the king had confined him to his house. For this silly gossip Allison was committed to the Fleet, bound to his good behaviour for life, fined 1000*l.*, and sentenced to be whipped, to stand in the pillory at Westminster, York, Ipswich, and Yarmouth, with a paper on his head declaring the nature of his offence, and to make a public acknowledgment of his offence at the various places. Robins was fined 1000*l.*, and assessed

Case of
Allison
and
Robins,
1634.

* Rush. vol. ii. p. 245 *et seq.* Whoever will take the trouble to look into the original account of this, will be satisfied that Prynne was not disposed

to be petulant in court. Franklyn, p. 454 ; Heylin's *Life of Laud*, p. 265 ; Straff. *Let. and Disp.* vol. i. p. 266.

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The case of
Prynne,
Bastwick,
and Bur-
ton, 1637.

1000 marks of damages to Laud, condemned to make an apology, and committed to the Fleet.*

The next great case to which we shall call the reader's attention is that of Prynne, Bastwick, and Burton. But in order to understand the case of Bastwick, we must here relate an enormity of the High Commission, perpetrated against him some years before. One Short, a Papist, had published a work in support of his religion, and Bastwick, who was a member of the College of Physicians, answered it. The answer was entitled, '*Elenchus Papismi et Flagellum Episcoporum*;' and, from the learned tongue it was composed in,† would, in another age, have obtained for its author both character and reward. But the times were altered. His argument necessarily led him to assert the royal supremacy, which, though admitted by law, was denied by the prelates, nay, by the king himself; and the act was not to be forgiven. He was called into the Court of High Commission, as for an attack upon the English bishops; and, in spite of his defence that he intended nothing against them, but had directed all his reasoning against the Romish prelacy, he was sentenced to pay a fine of 1000*l.*; to be debarred practice in his profession, as well as lose his place in the College of Physicians; to be excommunicated; and to be imprisoned till he made a recantation. His work, too, was ordered to be burned. On the other hand, one Chowney, a fierce Papist, had not only written a book in defence of the Romish religion, but had dedicated it to Laud, whose patronage of the production, thus openly solicited, was unscrupulously awarded, so that the arch-prelate patronized it. At this *censure* of Bastwick, all the bishops openly denied that they held their jurisdiction from the king, as well as disavowed their dependence on the throne; while the archbishop supported Chowney's book, maintaining that the Romish church was a true church, and

* Rush. vol. ii. p. 271.

† Clar. vol. i. p. 350; Straff. *Let. and Disp.* vol. ii. p. 57.

erred not in fundamentals. 'And,' says Whitelocke, from whom we have taken the above, 'somewhat was noted to pass from him and other bishops in defaming the Holy Scriptures; and Calvin was very much slighted and abused by them.' 'I cannot,' continues he, with that scrupulosity which becomes every writer whose object is to convey the exact truth, and to preclude the possibility of mistake—'*I cannot precisely aver all this, though I heard the most of it, as it is here set down*; and heard the rest of it to this purpose from those who were present at the debating of those matters in the High Commission Court.*

The fine upon Bastwick swallowed up his whole property; and, as he scorned to comply with the condition which his conscience disapproved of, that of recanting his doctrine, he lay in jail hopeless of release. But had he even regained his liberty, yet, debarred the very practice of his profession, he had no way of obtaining a livelihood for himself, his wife, and children. Under such accumulated oppression and misery human patience fails; and he published a defence of himself, with an acrimonious attack upon his persecutors. The book contained much truth, and brought the usurpations, and more than lordly pride, of the bishops strikingly into view. But who can read the following passage from the work without pity? 'What is cruelty if this be not? To keep a poor man close prisoner a year and a half, to the starving of him and his, and that only for writing a book in defence of that religion that is established by public authority and to the honour of the king, and the glory of his majesty against papal usurpation, provoked thereunto by an adversary of both?' He then mentions that his 'wife, at this time, was great with child and ready to lie down, not knowing where to get a place to put her head in.*' For this publication he was summoned into the Star Chamber.

* Whitelocke, p. 22.

* See his *Litany*.

CHAP.

I.

Burton, a divine, had at one period been a chaplain at court, but, as he was not fitted for that religion, he had been expelled for what was denominated factious conduct. He had plagued the ruling ecclesiastical party by exposing their innovations, and for it he had suffered imprisonment from the Court of High Commission; and indeed had only been saved from ruin in that court by a prohibition.* Two sermons, with other productions, now afforded the ground of charge; and for these he had already been suspended by the High Commissioners.† His parishioners in London, immediately upon his apprehension, sent a petition to the king for his pardon and liberty; but the two individuals who were deputed to present it were committed to prison.‡

The indefatigable Prynne had eluded the prohibition of pen, ink, and paper (as we hear of no proceedings on this account against the jailor, we may infer that it was connived at), and published some fresh works in defence of his principles and against the writings of Heylin.

The judges were consulted whether two of these individuals, Bastwick and Burton, could be convicted of high treason, but their opinion being unfavourable, the three were accused by information in the Star Chamber of writing and publishing seditious, schismatical, and libellous books against the hierarchy, and to the scandal of the government. They prepared their answers, but when they applied to counsel to sign them, the latter afraid, as the prisoners asserted, of drawing upon themselves the censure of the court, refused the duty. It was, on the other hand, alleged that counsel declined the task from

* Heylin's *Life of Laud*, pp. 155, 329; *Cant.'s Doome*. p. 507 *et seq.*

† See the substance of his two sermons, with his appeal, &c. It has been the practice to hold up these preachers as equally bigoted and unlettered; but whoever reads these

will confess, that Burton was, both in learning and acuteness, at least a match for his antagonists. It was his ability in exposing the innovations that so inflamed his enemies.

‡ *Straff. Let. and Disp.* vol. ii. p. 57.

the improper nature of the defence :* but the real evidence arising out of all the facts refutes that allegation. The defendants prayed that they might themselves be permitted, according to ancient precedents, to subscribe their own answers ; but they were informed that if the answers were not signed by counsel they could not be received, and that themselves should be held as confessed. To such a height did this court proceed, that Prynne's clerk was persecuted for following his master's business, and the very one who, with the consent of the lieutenant, wrote a petition, dictated by Prynne, to be allowed to sign his own answer, was seized by a pursuivant, and molested many weeks.† The prisoners applied to the court to assign them counsel, yet when one of those very counsel, Mr. Holt, had, by direction of the court, taken his fee from Prynne, and drawn his answer which he had ordered to be engrossed, he was privately commanded by the archbishop not to subscribe it ; and excused himself to his client by alleging that he durst not sign it for a hundred pieces. Mr. Tomlins, another of Prynne's counsel, however, had the spirit to discharge his duty ; but the court, pretending that the answer came too late, rejected it altogether, and the defendant was taken as confessed for an alleged contemptuous refusal to plead. Burton's answer, drawn, engrossed, and subscribed by Holt, was received at the office without exception ; but, after nine days, Laud having read it, declared it to be scandalous, and forthwith referred it to the two chief justices, Bramston and Finch, who, without suffering counsel to be heard in its defence, expunged the whole, except three lines at the beginning, and two at the end, amounting in substance to the plea of not guilty. Nay, Finch threatened

* Rush. vol. ii. p. 324. Holt alleged this himself, but see Prynne's answer to him.

† Prynne's *Trial of Laud*, p. 111. 'What meaneth,' said Burton before his trial, 'that consternation of spirit

amongst lawyers, that few or none can be found to plead a cause, be it ever so just, against an oppressing prelate, and are either menaced or imprisoned if they do it ?' (See his *Appeal*, p. 29 ; ed. 1636.)

CHAP.

I

Holt with pulling his gown over his ears for performing his duty in the business. Burton, who admitted and justified all he had written, was commanded to swear to the defence and answer interrogatories, and for declining such a procedure was likewise held as confessed. Bastwick's, which was the most objectionable, was rejected at the office. That these individuals were disposed to express themselves intemperately in their defences may be admitted. But the tyranny of the government, and the unjustness of the charge generally against them, with respect to the nature of their answers, and the refusal of counsel to sign them, present themselves in the proceedings against the great lawyer Mr. St. John, whose study was searched by a pursuivant for evidence against him in consequence of a suspicion having been entertained that he had assisted in drawing the answers. The defendants tendered a cross-bill, in which they offered to prove the innovation and other matters they were accused of falsely imputing, but, though twice tendered, it was refused, while the judges were consulted whether they might not for tendering it be tried for their lives in the King's Bench. The judges gave it as their opinion that, as it was a pleading legally tendered, it could not be the ground of a prosecution.

The court fined each 5000*l.*, condemned them to the pillory, and adjudged Bastwick and Burton to lose their ears: Prynne had lost his already, but he was now sentenced to lose the remainder (which had been spared by the hangman through some remissness in his duty—a circumstance that drew taunting remarks from the court), and to be stigmatised on both cheeks, S.L. for seditious libeller. All three were likewise doomed to close imprisonment for their lives, without access of kindred or friends, and without books, pens, ink, and paper.*

* Though the hangman had had some compassion on him on the first occasion, Prynne's enemies had none.

'No mercy showed to Mr. Prynne,' writes the Rev. Mr. Garrard to Wentworth; 'he stood in the pil-

The sentence was executed in the most savage manner, the hangman rather sawing than cutting off the remainder of Prynne's ears, and taking part of the cheek with them. At the place of execution these miserable wretches embraced the last opportunity which their enemies had resolved they should ever have to expiate upon the late innovations, and the injustice of their sentence to the bystanders, who all sympathised in their affliction ; * and the remorseless Laud moved his brother servants of the crown to join him in imposing farther punishment. † But, though he was not to be glutted with vengeance, they were ; and they told him that the ravings of men in agony were beneath his notice. Laud, finding he was not supported, had no other resource than complaint to Wentworth, in more than one letter, against the tolerance to those wretches, and the respect they met with, saying, that though '*a little more quickness* in the government would cure this itch of libelling, and something more that is amiss besides, truly he had done expecting of *thorough*.' Wentworth perfectly agreed with the ecclesiastic, but he did not know how to help the evil, till he saw the *good* as resolute in their good, as we daily observe the bad to be in their evils ways, '*which*,' says he, '*God of his grace infuse into us*, for such are the feeble and faint motions of human frailty, I do not expect it thence.' 'The remedy for such a grievous and overspread leprosy,' says he in another letter, 'is not fitted for the hand of every physician ; the cure under God must be wrought by *one*

lory, and lost his first ear in a pillory in the palace at Westminster. in full term ; his other in Cheapside ; where, while he stood, *his volumes were burnt under his nose, which had almost suffocated him.*' This was no part of his sentence (Straff. *Let. and Disp.* vol. i. p. 261 ; *Let.* dated June 3, 1634).

* Rush. vol. ii. p. 380, *et seq.* : Howell's *State Trials* ; Prynne's *Trial of Laud* ; Straff. *Let. and Disp.* vol. ii. p. 85. This reverend correspondent

of Wentworth tells us, 'that the place of execution was full of people, who cried and howled terribly, especially when Burton was cropt.' 'Dr. Bastwick was very merry ; his wife, Dr. Pool's daughter, got a stool and kissed him : his ears being cut off, she called for them, and put them in a clean handkerchief, and carried them away with her' (Whitelocke, p. 26).

† Prynne *against Prelates*, p. 44 *et seq.*

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I.

Esculapius alone, and that in my weak judgment to be effected rather by corrosives than lenitives; less than *thorough* will not overcome it. There is a cancerous malignity in it, which must be cut forth, which long since rejected all other means, and therefore to God and *him* I leave it.* There can be little question regarding the identity of the Esculapius, Laud himself, and thus these men encouraged each other to acts of cruelty, canting about public spirit, goodness, and religion, while under the dominion of the blackest passions they were sapping the foundations of every social institution.

To return to Prynne, Bastwick, and Burton. They were sent to remote prisons, and latterly to different islands, one to Guernsey, another to Jersey, the third to Scilly, and so rigorously was the order about the exclusion of friends enforced, that Bastwick and Burton's wives were not respectively even permitted to set foot on the islands. Plundered of all their property too, and allowed nothing to subsist on by the government, they were obliged to depend upon charitable contributions for support. And it may be questioned whether their friends were safe in this act of benevolence; for some individuals of Chester, who had visited Prynne on his way to Carnarvon Castle, were prosecuted by the High Commission; their houses were broken into, and ransacked by pursuivants, themselves fined of large sums, and obliged to make an acknowledgment of their offences, both in the cathedral and town-hall of Chester. A painter of Chester too, for drawing Prynne, was persecuted by the High Commission, and all his pictures ordered to be burned. Nay, Prynne's servant, whom Laud had detained a prisoner for having withstood all threats and promises to accuse his master, was indicted in the High Commission, and because he refused to take the *ex officio* oath to answer interrogatories *before he had seen*

The Chester men.

Prynne's clerk or servant.

* *Straff. Let. and Disp.* vol. ii. p. 99 *et seq.*, 104, 119, 181, 186.

the articles against him, was held as confessed to those very articles, excommunicated, fined 1000*l.*, and condemned to the costs of suit, though there was no prosecutor, committed close prisoner to the Counter, and afterwards sent to Wesbeck Castle.*

Laud, at the trial of Prynne, Bastwick, and Burton, made a long speech in defence of his ecclesiastical government; but though he had himself urged on the prosecution, and keenly and contrary to every principle of justice, interfered at every step, nay, thanked the court for the sentence, he affected to have too much delicacy to give judgment, as the business had some reflections on himself! He afterwards, too, set up the defence on his own trial, that the sentence was the court's, not his. Not content with publishing the speech he made on the occasion, he got all the lecturers and preachers in the city to express their abhorrence of the crimes for which these men had been condemned; and so well was the injunction obeyed, that for many days the churches resounded with the bitterest invective.†

In his speech Laud defended the innovations, which he denied to be such, with truly Jesuitical dexterity. But his language, considering how he complained of that used by his adversaries, ill-became his place. 'Tis superstition, now-a-days,' said he, 'for any man to come with more reverence into a church than a tinker and his bitch come into an ale-house. The comparison is homely; but my just indignation at the *profaneness of the times* makes me speak it.' The clergy, following up their plea of divine right, insisted that they were entitled to keep courts and issue out process in their own names, without a patent from the crown; and Charles, who clung to the clergy as a support to the throne, gratified their wish. Prynne and the rest had attacked this as illegal; and Laud, in a letter

* Prynne *against Prelates*, MS. No. 943; Lamb. Lib. p. 559; Straff. *Let. and Disp.* vol. ii. p. 115.

† Heylin's *Life of Laud*, p. 334; Prynne *against Prelates*.

CHAP.

I.

to the king, as a preface to the publication of his speech, 'humbly, in the church's name, desires of his majesty, that it may be resolved by all the reverend judges of England, and then published by his majesty, that their (the clergy's) keeping courts and issuing process in their own names, are not against law.' This was a truly commendous way of settling the law. But he attained his object. The servile judges, in obedience to his majesty's commands, resolved that a statute of the 1st of the late king, abrogating one passed in the reign of Queen Mary, which again annulled one of King Edward's, was not obligatory, as having been cunningly inserted by the Puritan party.* Laud farther, in this letter, magnifies the royal clemency in sparing the lives of Prynne and the others, and then makes this notable observation. 'Yet this I shall be bold to say, and your majesty may consider of it in your wisdom, that one way of government is not always fit or safe, when the humours of the people are in a continual change. Especially when such men as these shall work upon your people, and labour to inspire into them such malignant principles, to introduce a parity in the church and commonwealth.'

* Rymer, tom. xx. pp. 153, 168; Rush. vol. ii. pp. 450, 451; Heylin's *Life of Laud*, pp. 341-3. Of itself, the fact of their issuing out process in their own name was of no importance whatever. But the principle on which they arrogated it was: they contended for a divine right, and wished to be exempted from the control of the temporal courts, instead of pretending to act by authority delegated from the sovereign or state. 'They labour,' says Burton, 'by all means possible to maintain this their absolute and independent jurisdiction, as no way depending on the king; and, namely, by stopping the ordinary course of the law, that the king's people may be cut off from all benefit of the king's good laws, and of their native ancient liberties; so as it is become very geason and a rare matter to obtain a prohibition against

their illegal practices, in vexing and oppressing the king's good subjects: nay, they are grown so formidable of late (as if they were some new generation of giants), that the very mention of a prohibition against a prelate makes the courts of justice startle' (*For God and the King*, p. 70). When Prynne brought a prohibition, Laud, in a great passion, declared he would lay the next that dared to bring one by the heels (p. 54). This prelate applied to the king to have prohibitions restrained (*Cant.'s Doome*, p. 309; see Rymer, tom. xx. p. 190; *MSS. Lambeth*, No. 943, p. 571). In the *Tansel Manuscripts*, Brit. Mus. No. 493, p. 232 *et seq.*, are accounts of the speeches of Prynne and the rest (see also p. 222 *et seq.* relative to the answer).

† See his *Let. and Speech*. Laud was charged with worshipping the

The grand object of the high clergy was ever to persuade the king that *their* enemies were *his*. But when we examine their productions, we discover that they measured all things by the standard of church-government, which they conceived necessary for their own exaltation. The informations charged the defendants with sedition to the king; and in the address referred to above, Laud tries to infuse a fear of change into his majesty's breast; but, in his Diary, he candidly says that 'Prynne, Bastwick, and Burton were censured for their libels against the hierarchy of the church.'

John Lilburn and John Wharton were charged with having unlawfully printed and published Burton's pam-

Lilburn and Wharton's case.

altar. He denied it, and uses the following words: 'You, my honourable lords of the Garter, in your great solemnity, you do your reverence to Almighty God, I doubt not; but yet it is *versus altare*, towards his altar, as the greatest place of God's residence upon earth. I say the greatest, nay, greater than the pulpit; for there it is *hoc est corpus meum*, this is my body; but, in the pulpit, it is at most but *hoc est verbum meum*, this is my word. And a greater reverence, no doubt, is due to the *body* than to the word of our Lord. And so, in relation, answerably to the throne, *where his body is usually present*, than to the seat whence his word useth to be proclaimed.' He further says, 'you are bound by your oath to give due honour and reverence "*Domino Deo, et altari ejus in modum virorum ecclesiasticorum*;" that is, to the Lord your God, and to *his altar* (for there is a reverence due to that, too, though such as comes far short of divine worship, and that in the manner as ecclesiastical persons *both worship and do reverence*.'

Laud was full of cunning; his most popular arguments to persuade obedience, to have the communion-table converted into an altar, were, 'that should it be permitted to stand as before it did, churchwardens would keep their accounts on it; parishion-

ers would dispute the parish business at it; schoolmasters would teach boys to write upon it; the boys would lay their hats, satchels, and books upon it; many would sit and lean irreverently against it in sermon-time; the dogs would — upon it and defile it; glaziers would knock it full of nail-holes' (Heylin's *Life of Laud*, p. 289). It is amusing to hear the extravagant praises that are vented generally upon every head of a party. Laud's speech was a very poor thing, yet Heylin talks of this Demosthenes, &c. In like manner Hacket ever speaks of Williams as a miracle in nature, and tells us that he never studied anything more than his funeral oration over James, which, though pregnant with learning, is absolute childishness. It is likewise full of the most impious flattery. In speaking of how James, on his death-bed, commended various people to his son's love, he particularises '*that disciple of his whom he so loved*,' meaning Buckingham (p. 68, ed. 1625). Considering the treatment Prynne met with, he must have been something more or less than man not to have felt resentment; yet Wharton and others dwell with rancour upon his malice towards Laud. Language seems to fail this writer in his panegyric on that divine. See his Introduction to *Laud's History*.

CHAP.

I.

phlet, entitled 'News from Ipswich;' and an oath was tendered to them to answer interrogatories. But Lilburn declared that no free-born Englishman ought to take such an oath: hence he was ever after called free-born John: and in spite of assurances of pardon upon compliance, both he and Wharton resolutely resisted such an illegal proceeding. Upon this they were remanded to prison till they should conform themselves to the order of the court, fined 500*l.* each, and ordered not to be liberated without security for good behaviour. In addition to this, Lilburn, for his undaunted defence of the rights of Englishmen, was ordered to be whipt through the streets, and set in the pillory. The punishment was inflicted with the utmost severity; but Lilburn's spirit was not to be subdued. While in the pillory he inveighed bitterly against the tyranny of the bishops and the abettors, and scattered some pamphlets, which the ruling party pronounced seditious. The court of Star Chamber happened to be sitting at the time, and, having heard of this, transmitted an order to gag him during the remainder of his punishment. When, however, he could no longer speak, he stamped with his foot; and an investigation was immediately instituted to discover fresh matter against him in the pamphlets he had cast abroad, while, for his conduct in the pillory, he was, by order of the court, loaded with double irons, confined in the most unwholesome part of the gaol, with the basest and meanest prisoners; and his conduct, on every visit of a friend, strictly watched, that information might instantly be conveyed to the board of what passed on such occasions. An order was, at the same time, issued to search the pockets of future sufferers, and to bind their hands.*

Bowyer's
case.

One Bowyer, for alleging that Laud held a correspondence with the Pope, &c., was fined 3000*l.*, condemned to stand repeatedly in the pillory, and have his forehead branded, his ears nailed to the pillory, to make submis-

* Rush. vol. ii. p. 463, *et seq.*; *State Trials*; Rush. vol. iii. App. p. 64; *Straff. Let. and Disp.* vol. ii.

sions, and to be confined to hard labour in Bridewell for life.*

CHAP.
I.

Case of
Williams,
bishop of
Lincoln.

We need not proceed farther with instances of the tyranny and cruel proceedings of this court, except to give the case of Williams, bishop of Lincoln, formerly lord keeper. Prosecutions for buildings on new foundations in the city of London, as well as for residence there, have already been mentioned. There were severe fines imposed for disobeying proclamations about selling of corn, transporting wool, and other matters; for words spoken of peers, and the like;† but the case of Lincoln, though not the most odious in some respects, nor yet the most cruel, affords, perhaps, the best specimen of the corruption and baseness of the governors at this period, and, therefore, we shall recount it at some length.

Williams has been represented as having latterly inclined to the popular side, but at no period of his life could he be justly charged with any disposition to become an advocate of public liberty. It is true, that he did

* *Straff. Let. and Disp.* vol. ii. p. 467; *Rush.* vol. iii. App. p. 64.

† One Yoemans, and another Wright, were fined 5000 marks a piece, imprisoned, &c. '*for false and corrupt dyeing of silks.*' One Sampson 100*l.*, &c. (*Rush.* vol. iii. App. pp. 25, 30). Savage was committed and fined 2000*l.* to the king, and 3000*l.* to Lord Falkland; Weldon also committed, and fined 1000*l.*, and Burton 500*l.*, for slandering that nobleman in regard to his conduct in Ireland. They complained of injustice to the council, &c. (p. 36). One Archer fined for hoarding corn, pilloried, &c. (p. 38). One Grenville was fined 4000*l.* and assessed in 4000*l.* of damages to the Earl of Suffolk, for saying of him that he was a base lord; committed to the Fleet during his majesty's pleasure (p. 43). Favers, a clergyman, was committed to the Fleet, fined 1000*l.*, assessed in damages to the party 250*l.*, &c. Frost was committed to

the Fleet during his majesty's pleasure, bound to his good behaviour, pilloried, &c. Katherine Bampton was whipt, committed to the House of Correction, &c. for a conspiracy, in imputing incontinency, by this Katherine, to the Rev. Dr. Paterson (p. 47). Fowkes was fined 1000*l.* and 200*l.* to the informer, committed to the Fleet, for not furnishing a market with corn, according to a proclamation (p. 58). Pettager was fined 200*l.*, assessed to the Earl of Kingston 2000*l.*, sentenced to be whipt, for calling him base lord (p. 72). Sandford, Bills, Web, Rowland, and Shipwright, were all committed to the Fleet, and fined partly for transporting wool contrary to proclamation (p. 69). The fine of 10,000*l.* upon Morley was perhaps excessive, but his case seems to have been a bad one: he had not only reviled and challenged, but struck Sir George Theobald within the palace (*Rush.* vol. ii. p. 270).

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object to some of Laud's innovations, as well as to the violence generally pursued in ecclesiastical affairs, and disapproved of certain arbitrary measures which seemed to shake the stability of the throne. But he, at the same time, supported doctrines which promoted the power and pretensions of the clergy, and evinced himself always no unsteady friend to the prerogative of the prince. Even at the university he was remarked for his high-church principles, and, on that account, was as much favoured by one party as hated by the other. Archbishop Bancroft himself, who was regarded by the court faction as the pillar of orthodoxy, did not even then deem him unworthy of notice.* His character early procured him an opportunity of preaching before the late king, and, though he did not immediately reap the fruits of the royal grace, he was so fortunate as to please the monarch. Soon after, he filled the office of chaplain to Chancellor Egerton,—a situation calculated to bring him into publicity, and where he boasted to have acquired his political knowledge. On the death of Egerton, he was offered the same office in the family of Bacon, who succeeded to the seals, but his disappointment hitherto in court preferment had so damped his hopes, that he had resolved to abandon a public life, and retire to his cure; and, therefore, while he expressed a proper sense of obligation for the offer, he declined it. At this critical moment James nominated him one of his chaplains, and thus brought him fairly within the pale of the court. Here he soon perceived that his chance of success depended on the countenance of Buckingham, who had lately got into the office of favourite; yet, dreading the inconstancy of that minion's temper, but much more the mutability of his fortune, and remembering that the creature, in the event of the patron's adversity, is expected to share his fortune, he abstained from applying to the only source of great preferment. This was observed by James, who, as he liked

* Hacket, part i. pp. 9, 17, 21, 69, 70, 81, 86, 97; part ii. pp. 87, 89; *Great Britain's Salomon*, pp. 70, 71.

the man, yet durst not promote him without the approbation of his own servant, advised him to enlist himself in the train of Buckingham. Williams no longer declined the road to greatness, and having once taken that important step, he determined not to waste his talents in inactivity; and his patron's intrigue with the Earl of Rutland's daughter, whom he married, afforded the divine a field for the exercise of his talents in reconciling the family. The service deserved reward; and he may be said to have created the occasion of his own advancement. Notwithstanding Bacon's friendship and proffered kindness, it was by the advice of this ecclesiastic that the philosopher was exposed a victim to public justice; and the advice flowed from no patriotic cause, but avowedly from the idea of screening the favourite, who was under terrible apprehensions for his own safety, and whose brother had deeply participated in the wages of iniquity. Williams succeeded to Bacon's place.*

At this time he stood so well with his patron and the king, that he obtained a promise of the highest dignity in the church on the first vacancy. But the death of the present incumbent might be distant, and therefore he soon tried to create the occasion he so ardently desired. Abbot, then archbishop of Canterbury, had the misfortune to wound Lord Zouch's gamekeeper with an arrow from his cross-bow, as he was shooting deer, and the wound, which was not mortal in itself, proved so through the unskilfulness of the surgeon. As the circumstance was purely accidental, and deeply deplored by Abbot himself, he was an object of pity rather than of censure. But Williams, transported with the prospect of obtaining his place, laboured for his deprivation, representing, in a letter to Buckingham, that a man defiled with blood, however innocently, was by the canon law disqualified to approach the altar, and that he had, *ipso jure*, forfeited

* Hacket, part i. pp. 19, 24, 31, 39, 40, 49 *et seq.*

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I.

not only his office, but his moveables to the crown. All this was cruel and unjust; but it required no common degree of effrontery for the writer to insinuate his own pretensions in that very letter, while he pretended to be guided solely by a painful sense of duty. Luckily, however, for Abbot, he had one staunch friend amongst the lay members of the commission, to which the matter was referred for inquiry, Sir Henry Martin, at that time dean of the Arches, and afterwards judge of the Prerogative Court, who was moved by gratitude to him for his advancement; and Williams had a powerful enemy in Andrews, bishop of Winchester, who had himself looked forward to the primacy, and saved the accused, to prevent such a successor as Williams. Laud at first joined the lord keeper against the primate; but, as he soon found it convenient to attempt the ruin of his benefactor, Williams, as his own rival, he changed his tone. If Abbot had been deposed, Williams was sure of succeeding him; and while a vacancy in the nature of things might soon be expected in the present incumbent's place, leisure would be gained for supplanting the expectant.*

As Buckingham dreaded any man's continuance in a place of greatness, there was a perpetual change at court. Williams had kept his ground longer than any; but he was doomed at last to sink under the superior dexterity in intrigue, or the later introduction, of Laud. The favourite was alarmed at the monarch's good opinion of Williams, and was offended at a supposed want of due obedience to himself on the part of his creature in not sufficiently attending to his instructions in the decision of causes in chancery. Such was the unblushing profligacy of the age in judicial matters, that Buckingham's servants used to beset the Court of Chancery for the purpose of overawing the judge to determine causes in favour of their master's suitors, from whom they openly received

* Hacket, part i. pp. 65, 66, 68; Heylin's *Life of Laud*, p. 86 *et seq.*; *Cabala*, 4to. ed. 1655, p. 55.

bribes. Besides, Laud, amongst others, was ever ready to meet the favourite's ear with a tale against the man to whom he had vowed a life of gratitude; and Williams, though generally abject to the last extremity, permitted his natural presumption at times to burst the bounds of the unqualified submission exacted of him.

No sooner did the watchful eye of Laud perceive the alienation of the favourite from Williams, which was for a long time after unsuspected by the public, than, to borrow the language of Hacket, 'he shunned him, as the old Romans, in their superstition, walked aloof from that soil which was blasted with thunder.'*

The expedition to Spain, and the match, afforded scope for Laud's talents, while there is reason to suspect that Williams really was trying to raise himself upon his patron's ruin. Laud was now flattered with the prospect of the primacy; but as Williams assiduously laboured to recover his ground, such a restless jealousy tormented his rival, that his dreams, which he faithfully recorded, bespoke the visions that occupied his waking thoughts. He 'dreamt that the lord keeper was dead; that he passed by one of his men that was about a monument for him,' &c.; and he interpreted it into 'dead in the duke's affections.'† The service rendered by the keeper, both to the duke and Charles, in detecting the plot of the Spanish ambassador, appeared to recover his patron's affection; but the wound still festered; and a succession of circumstances, together with the insidious arts of Laud, seemed to render it incurable. Williams, after the accession of Charles, was divested of his office as lord keeper, and driven from court; and though the king afterwards flattered him with promises, he failed in his word, and allowed temporary kindness to be followed with the most rancorous hate. With Buckingham he was more successful; for, as he continued to ply him with the most abject

* Hacket, part i. pp. 107-8.

† See his *Diary* for December 14th and 15th, 1523, *et passim*.

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professions, he, just before that individual's death, effected a reconciliation. Laud's fear of such an event may be conceived from the following passage in his Diary. Thus, 'January 13th, Saturday (1627), The Bishop of Lincoln desired reconciliation with the Duke of Buckingham, &c. January 14th, Tuesday, towards morning, I dreamed that the Bishop of Lincoln came, I knew not whither, with iron chains; but, returning loosed from them, leapt on horse-back and went away, neither could I overtake him.'*

The jealousy which rankled in the breast of Laud, and haunted his sleep, was augmented by Williams's attempt at reconciliation with the duke, though Buckingham's untimely death prevented him from deriving benefit from it, and nothing short of his rival's ruin could still his restless fears. Wentworth now joined him in hunting down Williams. He, like Laud, had courted that prelate; yet now, while ready to gain the favour of his coadjutor, by entering keenly into all his views and quarrels, had himself a cause of chagrin. He had been brought forward by Weston, and Williams who had likewise sounded him, (boasting of what there is no reason to believe he could have accomplished,) had proposed to Weston to seduce no less a man than Sir John Eliot himself to the side of prerogative; and as Weston was highly pleased with the

* He records another dream on the 16th (January, 1627), importing that he thought the king appeared displeased with him, and on the following day he also records a hit against Williams. He gives another dream on the 27th March, in which a Sir George Wright, deceased, whose executor he was, appeared to him, and whispered in his ear that I (we shall give the very words), 'I was the cause why the Bishop of Lincoln was not admitted into favour and to court.'

Hacket's *Life of Laud*, part i. pp. 107-8, 202, 208; part ii. pp. 4, 5, 18, 19, 20, 62, 64-67, 70, 80, 85. When Buckingham was reconciled to Williams, it was agreed between

them that they should keep up a seeming enmity, that the prelate might render him greater service in the parliament. The reconciliation occurred after the prorogation of the third parliament, and, in this way, the favourite had promised himself good support in Williams. But it is a very singular fact, that Laud stirred the ground of prosecution at that very time (p. 80). Heylin's *Life of Laud*, pp. 113, 116-17, 139, 140, 172. This writer tells us that Williams had still good friends about the court (Rush. vol. i. p. 198). But the collector had been misled by the stories industriously circulated against Williams (p. 426); Whitelocke, p. 8.

idea, Wentworth, estimating others by his own standard, did not hesitate to attribute to Eliot the same unprincipled ambition of which himself had been guilty; and therefore justly dreaded his being taken into favour, since his abilities were transcendent, and since, to cover his apostasy, self-defence would oblige him to exert them all on the side of the prerogative. The fear of a rival discharged itself in fury against the individual who had offered to introduce one: nor did it receive much mitigation by the death of Eliot, as the same spirit which had instigated the prelate to propose that parliamentary leader, might raise up another rival.*

To blast his character with the king, numberless stories were invented against him, untraceable in their origin, but commonly representing him as a favourer of Puritans, and an advocate of popular rights. He is also alleged to have said, that he had as good a title to his deanery of Westminster as the king to his crown; and Charles, though he encouraged the hierarchy to assert a divine right, &c., he considered this a monstrous offence. The monarch, besides, lent a greedy ear to slanderous tales against Williams; because, instead of excluding himself from society while under the wrath of his sovereign, and being deserted by men of eminence, he lived munificently, and was greatly resorted to. Before his fall, he was odious for his pride and attachments, but the exertions of his adversaries brought him popularity; nor is it improbable that, though he unceasingly laboured to remove the unfavourable impressions from the breast of his master, he was not secretly displeased with the public esteem which promised to raise him again to a place under the crown. For, should a parliament be summoned, it would be necessary to soothe the people by the employment of some popular men, and none was so likely to be chosen as the individual whose principles were known by many at

* Hacket's *Life of Williams*, part ii. pp. 17, 67, 82, 83.

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court. But this must have augmented the jealousy of Laud, who, with Wentworth, recoiled with conscious guilt from the idea of a parliament, and therefore dreaded the approach to the throne of anyone likely to recommend it. Williams was ordered not to remain about Westminster. Nor was Laud's jealousy unfounded: some misunderstanding arose betwixt him and Weston, and the latter immediately took measures for co-leaguings with Williams. Whether this was discovered by Laud, is uncertain. But his fears were never quiet. Even, in 1633, he dreamt, at Alnwick, 'that Lord Lincoln came and offered to sit above him at the council table, and that Lord Holland placed him there.' *

When men in power are bent on oppressing an individual, it is not difficult to find a pretext; and a most extraordinary one was employed against Williams. Charles had consulted that prelate about the best method of recovering the affections of his subjects, and Williams advised to show some indulgence to the Puritans, a numerous body, and even to allure the chief of them with dignified livings in the church. The king approved of the advice, and promised to follow it; whence the other, about two months afterwards, having occasion to regulate his own courts at Leicester, assigned to Sir John Lamb and Dr. Sibthorp, as the cause of some indulgence to the Puritan party, that it was not his own pleasure only, but that of his majesty likewise. The communication was not only uncensurable, but necessary, as the object could not be accomplished without it. But these two worthies, who

* *Diary, Hacket's Life of Williams*, part i. p. 54; part ii. pp. 20, 25-27, 32. He always ascribed his ill usage to the acts of his enemies, and declared, that could he only get access to the king's ear for half an hour, he would remove every unfavourable impression (p. 64). He was the only bishop not invited to the christening of the young Prince Charles (II.), and he took it much

to heart, though he felt one comfort in being absent, that he could not have joined in Laud's prayer, which was recommended to all the parish churches — a prayer wherein that bishop said, 'Double his father's graces, O Lord, upon him, *if it be possible*' (p. 89). Williams justly calls this 'three-piled flattery and loathsome divinity,' &c. (p. 96; Clarendon, vol. i. pp. 96, 97).

had been both, the first in particular, deeply indebted to Williams, had marked the revolution of the times, and having perceived that their fortunes depended more on the ruin than the preservation of their benefactor (Williams had determined to give a place which Lamb wished himself to another person, and prevented his extortions), posted off with what they justly deemed welcome intelligence to Laud. He, grasping at the opportunity of destroying his rival, ran with the news to the king, and with him formed a resolution to have Williams prosecuted in the Star Chamber, for revealing his majesty's secrets, contrary to his duty as a privy councillor. But it is not wonderful that Laud should have been exasperated against Williams at this time, as the reconciliation with Buckingham had just been effected.

When the information against Williams was first referred to the council, it was instantly rejected; and a second attempt shared a similar fate. Charles then promised to drop it; but Laud, whose enmity suffered no abatement, and whose power in the council daily increased, was not to be driven from his purpose. He prevailed with the king to break his word; and again, with more success, recurred to the charge. Williams had now the meanness to make a submission to his adversary; but, as nothing could remove the fears, it was vain to expect to overcome the hatred of that powerful ecclesiastic.*

* Hacket, part ii. pp. 43, 62, 80, 89, 90, 114, 115. This writer details in the above, repeated instances of the king's failure in his word (Rush. vol. i. pp. 401, 402; Whitelocke, pp. 238, 239). Heylin tells us that the 'words' (those used to Lamb, for which Williams was prosecuted), 'though unadvisedly spoken, yet were not thought, when first spoken, to be of such a dangerous and malignant nature as to create to him all that charge and trouble, which afterwards befell him

on that occasion;' and that 'the information,' by Lamb, 'was laid hold on as a means to humble the prelate, to make him sensible of his own duty, and the king's displeasure' (p. 172). Yet in p. 267 he, with his usual inconsistency, speaks of the matter as a most aggravated one.

Sibthorp was the person who maintained in the pulpit the right of kings to take their subjects' money at will, and reign as they pleased. Sir John Lamb was the individual whose words are always

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Laud's hatred had another motive besides mere jealousy, though jealousy was mixed even with that. Williams had objected to certain innovations in the worship, and the other's pride was wounded. Some time previous to the proceedings now detailed, he had written a letter to the vicar of Grantham, which fell within his diocese, about the position of the communion-table, which had been placed altarwise by the vicar, and, though it had not been deemed prudent to dispute the doctrine at the period of publication, the present was conceived to be a fit season; and accordingly Dr. Heylin, the great favourite of Laud,

quoted against the Puritans: 'That to the world they seemed to be such as would not swear, whore, or be drunk; but they would lie, cozen, and deceive. That they would frequently hear two sermons a day, and repeat them too, and that sometimes they would fast all day long.'—Now that bad men will affect piety, &c. is a fact too evident to be doubted; and that there is always some ground for suspicion against those who are righteous over much, is likewise true; but when it is considered that the bulk of the nation were branded with Puritanism, we could not pay much regard to such a picture from any quarter; but if the accuser have an interest to oppress the party accused, for the purpose of extortion, as was Lamb's case, and he be a person of the worst character, we must reject it with disdain. Now Lamb is described as 'a creature of dark practices, the most hated of all that trod the earth in the county of Northampton, where he dwelt.' He had been originally a schoolmaster, but having afterwards become a proctor, he was made dean of the Arches; an office in which he had been branded with many crimes, under the hands of all the justices and gentry, in a manner, in the shire, and in two several bills to be presented to the parliaments 1621 and 1624. What followed? 'This person' (Williams), says

Hacket, 'whose throat he went about to cut, brought him off from his troubles, dubbed him a doctor and a knight, settled him in his former offices, and got him more, for which I confess he got no good name to himself. Lamb marked the revolution of the times, saw the bishop discarded, and observed that he might pluck himself better fortune sooner by being his enemy than his friend. An ungrateful creature in the old time was held to be a monster; now-a-days none shall sooner be taken into play to be a state minister. Ingratitude is Sir John Lamb's badge; perfidiousness both his and Sibthorp's' (*Life of Williams*, part i. pp. 36, 37; part ii. pp. 98, 112, 113). It is remarkable that depravity generally imputes its own qualities to others. This very individual, who speaks so harshly of the Puritans, was himself of a 'stoical gravity' (*Id.* part i. p. 37; see also *Cant.'s Doome* regarding Lamb). He was a great persecutor. See *Journals of Lords*, for 13th March, 1621, and 12th April, for further proofs of Lamb's business; and the detestable nature of the government. The court of law could afford no protection to Walker. His office was illegally seized and held by Lamb for eight years, and the judges were prohibited from discharging their duty in Walker's favour.

a man 'not fortunate in the opinion of the times,' undertook the task. 'His work, entitled "A Coal from the Altar," was written,' says Hacket, 'in order that Williams might be posted about every gate in London as a dastard; or, if he replied, that then they might pull him to the stake and worry him in the Star Chamber, where he was already struggling for life; in which fatal conjuncture the king must be told that *he was an enemy to the piety of the times and the good work in hand.*' The bishop determined to hazard the last rather than the first, and his answer had the anticipated effect in farther inflaming the monarch, and giving a new spring to the prosecution.*

The basest tools are necessary for the execution of that vengeance which must assume the colour of justice, and Laud, his creature Secretary Windebanke, and Sir John Lamb, discovered an instrument wonderfully calculated for their purpose. This was one Kilvert, notorious for the depravity of his habits, but who, having given an earnest of his abilities in a former case, was, with confidence of success, let loose upon Williams, that he might hunt him to destruction. 'This fellow,' says Hacket, 'interloping into the prosecution, disturbed it in every point of the proceeding, and left not one rule or practice of the court unbroken, menacing and intimidating witnesses, clerks, registers, examiners, judges—the lord keeper himself.'†

Thus beset, Williams petitioned his majesty that, if he would not accept his submission, he would at least allow the cause to proceed according to the rules of court; and proposed, at the same time, to prove against Kilvert the fabrication of the grossest calumnies, subornation of perjury, intimidation of witnesses, &c. But the petition was disregarded;‡ and to such a height was the well-founded presumption of this tool of oppression carried, that he vapoured, in the hearing of the register, that he cared

* Hacket's *Life of Williams*, part ii. pp. 99, 100.

† *Id.*; Heylin's *Life of Laud*, p. 343.

‡ Hacket, part ii. p. 117.

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not what orders the lords made, as he would go to Greenwich and have them all altered. This, too, was complained of, but was passed slightly over. Nay, Sir Robert Heath, now chief justice of the Common Pleas, complained that Kilvert had threatened to have him turned out of his place for forwardness, as he termed it, in the cause; and the complaint was dismissed, with a little acknowledgment of rashness. *But Heath lost his place.**

Kilvert having discovered, 'by diligent inquiry and subtle practices,' as Laud's biographer informs us, that Williams's exculpation depended chiefly on the evidence of one Pregon, register of the court at Lincoln, who happened to be present when the conversation of which Williams was accused took place, made it his business to invalidate his testimony.† He therefore lays a bastard to Pregon's charge—a most extraordinary ground of objection in itself, and particularly ungracious on the part of the prosecutors, as Laud had long ago stained his character by the attempt to sanctify adultery‡ (it will be

* Hacket, part ii. pp. 116—118.

† Heylin says, that after many delays, 'Kilvert, a proctor in the Arches, who had been formerly employed in hunting Bennet, a corrupt judge of the Prerogative Court, to his final sentence, *was entertained to prosecute this bishop, to the like confusion; who having found by diligent inquiry and subtle practices*, that the bishop's purgation depended most upon the testimony of one Pregon, the register of the court at Lincoln, he made it his chief work, by discrediting the witness, to invalidate and make void his evidence, he lays a bastard to his charge, and there appeared sufficient ground to indict him for it' (*Life of Laud*, p. 343). Take this along with what is quoted in the preceding note, and I think there will be no difficulty with the conclusion (Hacket's *Life of Williams*, part ii. p. 118).

‡ The defence for Laud, in the

MS. at Lambeth, and in Heylin, displays no small share of effrontery, because Heylin tells us that Lady Penelope Rich had borne several children to the Earl of Devonshire, 'before she was actually separated from the bed of Rich' (*Life of Laud*, p. 57). Now how could any who pretended to be guided by the civil law, or any law, suppose that these could be legitimated *per subsequens matrimonium*? Laud, in his prayer, says, that he was advised to officiate in marrying this adulterous pair by the importunity of false friends against his own judgment (*Id.* p. 58, and Prynne's *Brev. of Laud's Life*). One thing more I cannot refrain from remarking: the utmost that any one disposed to feel for this profligate woman ought to have done, was to draw a veil over her life. But we are condemned to read the most nauseous praises of her by Heylin.

remembered, too, that Williams had used his endeavours to draw a veil over that part of his conduct), and Kilvert, whom they employed, had deserted his own wife, a gentlewoman by birth, and lived openly with another man's, who had borne several children to him. He had likewise been branded long before in a parliament for perjury.* But the accused perceived that, as his judges only wanted a pretext for setting aside Pregon's testimony, they would sustain this objection for want of a better, and he naturally tried to weigh up the character of his own witness, who appears to have been innocent of the fact charged. The paternity was bandied about betwixt Pregon and another person, and Kilvert took the opportunity of attaching to Pregon an aggravation of his alleged offence by attempting to fix the child upon a wrong father. This matter held the court about eighteen months; and at first the objection was overruled, but the command of his majesty to sustain it overawed the unprincipled judges. One of them being upbraided by Williams for his inconsistency, coolly replied that he had been severely chidden by the king for his former vote, and that he would not ruin himself for any man's sake.†

Kilvert now saw a nobler game. Williams had laboured to clear his witness of the imputed offence; and as subornation of perjury was a higher ground than the one at issue, the first was, by his advice, abandoned, and the last substituted.‡ It is needless, and would be nauseous, to follow the cause through its various windings: suffice it to say that the proceedings were to the last degree detestable; that, in the first place, though any commissions for an exculpatory proof had never been refused to a defendant before, several were denied to Williams; in the second place, that though every defendant, by the practice of the court, was permitted to choose his own examiner, the commission to the individual pitched upon by

* Hacket's *Life of Williams*, part ii.
p. 116.

† *Id.* pp. 118, 119.

‡ Heylin's *Life of Laud*, p. 343.

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the bishop was stopped by Secretary Windebanke, and another substituted, because the first, having been inter-rogated by Kilvert, had declared that he would im-partially discharge his duty. Thirdly, says Hacket, 'the same secretary directed one Peachy, a messenger of the chamber (start not, reader, for it is true), to attend Kilvert in his coat-of-arms, all along with the commission, to apprehend and imprison such as Kilvert should appoint, pretending matter of state and deep consequence against them; and Peachy did apprehend and close imprison, in the face of the commission, Philip Pregon, George Walker, and Thomas Lund, witnesses for the bishop, and chased away the rest, that durst not be seen for fear. Those three prisoners were brought to London to the secretary, who told them he had nothing against them, but bade them give satisfaction to Kilvert, who could get no liberty by his mastership's leave till they had confessed crimes against the bishop, which afterwards they revoked upon oath. Nor would he permit George Walker's wife to see her husband, kept by the messenger, but for a courtesy too base to be named.*

This is only a specimen of the loathsome pettifogging depravity exhibited in the case. But, after the bishop had brought such a counter-proof as he was allowed to lead, it was deleted by one of the chief justices, in his own chambers, not as irrelevant, but merely, forsooth, because it reflected upon Kilvert, and disproved the evidence for the crown.†

Having resorted to such devices for the bishop's ruin, his enemies, who sat in the Star Chamber, could not fail to convict him of subornation of perjury. A fine of 10,000*l.* was then imposed upon him, while he was referred over to the High Commission, to be suspended of *offices and benefices*, and condemned to imprisonment in the Tower during the royal pleasure. Some were for a milder sen-

* Hacket's *Life of Williams*, part ii. p. 119 *et seq.*

† *Ibid.* p. 124.

tence ; but Laud, who wished his brother's deprivation, and even deportation, he said not whither, was dissatisfied with its lenity ; and Finch, who had been likewise obliged by Williams, declared, that if it had pleased others, he would have laid some ignominy upon the prelate's person, by which was understood the usual punishment of branding the face, slitting the nose, and cropping the ears. Could anything add to our disgust at such enormities, it would be the affectedly religious cant of these wicked ministers of oppression. Every one was louder than another against the horrid crime of perjury, of which they were all at the very moment guilty. Laud, the original prosecutor, the employer, and abettor of Kilvert, 'aggravated,' to use the words of Heylin, 'the fault of subornation of perjury, with a pathetic speech of almost an hour long, showing how the world was nearly three thousand years old before it was ripe enough to commit so great a wickedness. That Jezebel was the first in Scripture which had been branded with that infamy, whose witnesses could find no other name in Scripture than the sons of Belial ; and therefore that, considering the greatness of the offence, though before he had been five times on his knees to his majesty in the bishop's behalf, yet now he could not but agree to the heaviest sentence.' Three of Williams's servants were fined at the same time.

After this, Williams had not a courtier to intercede for him, as 'kings like not that any should pity them whom they have undone ;' and in the execution of the sentence, the last injustice was practised. Trusting that an indulgence, which had been allowed to others, of paying a fine by instalments, might not be denied to him, he proposed to pay up the sum at the rate of 1000*l.* a year, and Charles was himself inclined to afford him the benefit of the practice. But the good offices of Laud, here interposed, prevented this act of royal clemency ; and an order to gather in and import into the exchequer what-

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ever of the prelate's property could be found was issued. This duty was assigned to Kilvert, who, as he entertained no idea of promoting the wickedness of others without sharing in the profit, instantly seized upon all the prelate's personal effects, including books, plate, wine, household furniture, hay, &c., to the value of fully 10,000*l.* (which ought at once to have discharged the fine), and prudently accounted for 800*l.* only. Williams's benefices, lands, and leases, were proposed to be rented at 4500*l.* a-year, which would have paid the fine in two years and a half, allowing him, as was done, 500*l.* a-year for his maintenance; but, as his absolute ruin was intended on the one hand, and his enemies had an eye to the plunder on the other, Kilvert carried a letter from Windebanke to direct, or rather to force, the juries, to receive no evidence against the king's profit; and to estimate the lands at half their annual rate.*

Williams, who, in the triumphant language of Heylin, 'began to find how dreadful a thing it was to fall into a king's displeasure,' tried once more the effect of submission, and even proposed to surrender his bishopric and deanery of Westminster, on condition of his majesty's providing for him otherwise. The offer was eagerly grasped at both by Laud and his master, who intimated, that if Williams would give in his resignation he should obtain a living in Ireland; but to this the other demurred, observing that he should then fall under the power of a man, Wentworth, who in six months would find out some old statute to cut off his head. Foiled in their attempt to remove him in this way, they began a prosecution on another ground. His book upon the holy-table was charged by Laud as countenancing Prynne, Bastwick, and Burton; and his creed was tried by interrogatories in

* Hacket's *Life of Williams*, part ii. p. 128 *et seq.* Kilvert had sharers with him. Lamb, in particular, was well paid for his treachery. See also p. 126, 127, about the effect of

this sentence on the public: From this, with all other things, every mechanic presaged ills to come, yet Williams kept his spirit (Heylin's *Life of Laud*, pp. 344, 346, 347).



the High Commission, in order to discover a pretext for his deprivation.*

In the meantime a fresh pretext for prosecution in the Star Chamber was discovered.† Weston, earl of Portland, having disagreed with Laud, had conceived the idea of forming a coalition with Williams, in order to counterpoise the other; and therefore applied to Mr. Osbaldistone, a prebendary and head-master of Westminster School, whom Williams patronised, and who was much in his confidence, to mediate between them. The prelate, though rejoiced at the prospect of such an opening, was cautious in expressing any forwardness in the business, lest, for the purpose of giving an advantage to his enemies, Osbaldistone should have been deceived. He, therefore, wrote to a friend, to ascertain exactly how matters stood, and to intimate to the earl that, if he were sincere in his proposition he must give an earnest of it, by freeing him from the prosecution in the Star Chamber, and employing a more sufficient messenger. The earl soon after died, and the prelate's hopes with him. Now, Kilvert, in searching the bishop's house, and rummaging through every corner for means to gratify his own avarice, or feed the malice of Williams's enemies, lighted upon the letters of Osbaldistone, which, as they farther taught Laud the importance of his rival in men's estimation, and the danger he had himself narrowly escaped, augmented his revengeful passions. In those letters the earl was designated the great leviathan, Laud the little urchin, meddling hocus-pocus, little grace, vermin, and the like; but no difficulty could attend the interpretation. Upon these two letters, and another from Williams to a friend, an information was filed in the Star Chamber, against both him and Osbaldistone, for having plotted to divulge false

Second
prosecution
of
Williams,
and case of
Osbaldis-
tone.

* Heylin's *Life of Laud*, p. 344; Straff. *Let. and Disp.* vol. ii. pp. 149, 150; Hacket's *Life of Williams*, part ii. p. 129 *et seq.*

† To keep up the king's resent-

ment, it was alleged that the prelate had refused ship-money; but he had only complained of being rated too high (*Id.* p. 96; Fuller's *Church Hist.* b. xi. p. 159).

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news and lies, to breed disturbance in the state, and a difference between two great persons. The prelate, with little regard to truth, pleaded that he had not received the two letters; that they had been opened by his secretary in his absence, and by him thrown aside amongst other papers, as unworthy of his master's notice; and that he did not know who were meant by such names; and then justly added, that, at all events, they had never been published, and consequently could not be chargeable with the intention imputed to them. Osbaldistone pleaded that by the great leviathan he meant Chief Justice Richardson, and by the little urchin, &c., a Dr. Spicer. But the fact, as to the persons so represented, though perhaps not established by competent evidence, was manifest. In the investigation of the matter, however, some most abominable practices, similar to those which occurred in the former proceedings against Williams, were resorted to, and nothing could be more opposite to reason and justice than the whole charge.

The court assessed Williams in a fine of 5000*l.* to the king, and in 3000*l.* of damages to Laud; and again condemned him to be imprisoned during his majesty's pleasure, and to make a submission. Osbaldistone was sentenced to be deprived of all spiritual dignities and promotion, to stand in the pillory in the dean's yard, before his own school, and to have his ears nailed to the pillory; to be imprisoned during the king's pleasure, and to make a submission. In delivering their sentence against this individual, who was a distinguished scholar, the judges of this court could not refrain from adding the meanest insolence to injustice. His calling, as a teacher, in which he had made himself highly eminent, afforded the illiberal theme: They would have 'the pedant' made 'an example to his boys.' But he disappointed their vindictive, pitiful cruelty. Though reported to be fled, he was secretly in court during the trial (if it be not profaning the name), and slipt away when he had heard

the opinions of the majority. Having retired to his own house, he destroyed some papers, and left a note on his desk, that, if the archbishop inquired for him, he was gone beyond Canterbury. Messengers were instantly despatched to the different port-towns to apprehend him; but he was successfully concealed in a private house in Drury Lane, till the parliament met in November, 1640.*

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We shall conclude these remarkable proceedings by observing, that the event proved that Laud was not, without cause, jealous of Williams recovering his ground. The latter was restored to power, and then, though not from Williams, his own calamities began. Kilvert, after this revolution, had the effrontery to wait upon Williams, to ask forgiveness; and that he might show a title to it, proffered his services in hunting down Laud and his other employers, as he had done the man he now addressed. The prelate, having first drawn from him all the information he could, assured him of his pardon, as a wretch beneath his resentment, and bid him live by pettifoggery still, and think himself forgotten.†

The best authorities on both sides agree in regard to the illegal and severe proceedings of the court of High Commission, where many heavy fines were imposed, in a great measure for the better enabling Laud to fulfil his pious object in rebuilding St. Paul's; but the details of a few cases only have descended to us. Some of these we have had occasion to relate in our account of the proceedings of the Star Chamber, as the cases of Bastwick, Prynne's clerk, and the Chester men, and we shall add a few more:—Mr. Bernard, a lecturer in London, was suspended from the ministry, excommunicated, fined 1000*l.*, besides the costs

Court of
High Com-
mission.

* Hacket's *Life of Williams*, part ii. p. 130 *et seq.*; Heylin's *Life of Laud*, p. 345 *et seq.*; Whitelocke, p. 28; Rush, vol. ii. p. 803 *et seq.*; Franklyn, p. 766; Fuller's *Church Hist.* b. xi. p. 165 *et seq.*; Lansd. MSS. Brit. Mus.

No. 493, page 316. See the *Journals of the Lords* early in 1641 for the reversal of his sentence.

† Hacket's *Life of Williams*, part ii. pp. 137, 138, 140, 141.

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of suit, as well as imprisoned, by all which he was ruined, chiefly for preaching against the use of crucifixes.* — Mr. Workman, lecturer in Gloucester, for preaching against images, was suspended, and ordained to make a submission. He repeated the offence, and was both deprived and imprisoned. Having recovered his liberty he tried to earn a livelihood for himself, his wife, and a numerous family of infants, by teaching; but he was prohibited from that occupation. He then endeavoured to procure subsistence by the practice of physic; but Laud interdicted that too. As he had preached in Gloucester for fifteen years, and was much beloved, the corporation, taking pity on him and his family, granted him a bond of annuity for 20*l.*; and for such an act of generosity the mayor and some of the aldermen were carried by pursuivants, first before the Council, and afterwards the High Commission, where two of them were fined, and the whole subjected to large fees, while that tyrannical court also cancelled the bond.† — Mr. Peter Smart, the oldest prebend in the cathedral of Durham, for preaching against the innovations introduced by Dr. Cosens—perhaps, more correctly speaking, against the reintroduction of what had been discarded—was fined 500*l.*, deprived of all his livings (a proceeding whereby he sustained 10,000*l.* damages), and sent to prison; from which he was, after eleven years close confinement, only released by the long parliament.‡ The livings from which Smart had been ejected were, as might be supposed, bestowed by Laud upon his own creatures.—Mr. Charles Chancy, minister of Ware, was deprived, condemned in costs, and ordained to

* This individual had been previously cited into that court for using this expression in his prayer, ‘Oh, Lord! open the eyes of the queen’s majesty, that she may see Jesus Christ, whom she hath pierced with her infidelity, superstition, and idolatry.’ Such language was altogether unjustifiable, and it must be

confessed that he was remarkably lightly dealt with, having been pardoned, upon a submission and acknowledgment of his offence. But the second case had no relation to the first (*Canterbury’s Doome*, p. 362 *et seq.*

† *Canterbury’s Doome*, p. 103 *et seq.*

‡ *Id.* p. 93, &c.

make a recantation, and, in the meantime, to give bond for it, or be imprisoned till he performed it, merely because he opposed the railing in of the communion table—an act which had not been warranted by the bishop of the diocese. A Mr. Humphrey Porter suffered along with him. One of Mr. Chancy's counsel, too, Dr. Merick, having attempted to justify his client's conduct, was silenced by a threat from Laud, of suspending him from his practice.*—John Premly was fined, imprisoned, &c., for opposing the alteration in the communion table.† —Mr. Burdit, for giving the sacrament to some who scrupled to come up to the rails, was nearly ruined.‡—The case of the churchwardens of Beckington was not, properly speaking, a High Commission one, because they were only forced into submission to the bishop, by a threat of being summoned into that terrible court; but indirectly it operated. They were excommunicated, imprisoned, &c., about altering the communion table.§ This was not merely a spiritual censure. A person who stood obstinately excommunicated for forty-two days, was attachable by a writ out of Chancery *de excommunicato capiendo*, directed to the sheriff, and by him to be committed to prison without *bail* or main-prize, till he conformed himself and sought absolution.—The learned Selden had written an erudite work upon tithes, in which he had endeavoured to prove that they were not of divine origin. A book was published on the other side. But Laud had a better species of refutation in store. He called Selden into the High Commission for such heterodox doctrine, and obliged him to sign a humiliating recantation.||

‘Persons of honour and great quality, of the court and of the country,’ says Clarendon, ‘were every day

* *Canterbury's Doome*, p. 93, &c.

† *Ibid.* 101.

‡ *Ibid.* 96.

§ *Ibid.* p. 97 *et seq.* &c.; Rush. vol. ii. p. 300; Heylin's *Life of*

Laud, p. 290. They were men of consequence.

| Neal, vol. ii. p. 120; Fuller, b. x. p. 70.

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cited into the High Commission, upon the fame of their incontinence, or other scandal in their lives, and were there prosecuted to their shame and punishment; and as the shame, which they called an insolent triumph upon their degree and quality, and levelling them with the common people, was never forgotten but watched for revenge, so the fines imposed there were the more questioned and repined against, because they were assigned to the rebuilding and repairing St. Paul's church, and thought therefore the more severely imposed, and the less compassionately reduced and excused.* It was afterwards declared, by a committee of the parliament, that some hundreds of people in every diocese in England had been excommunicated for not going up to the rails to receive the sacrament (the consequences of excommunication have just been mentioned); and some hundreds of ministers had been silenced, suspended, or deposed, for refusing to read a declaration for sports or recreations on Sunday.† The printers of the English Bible had committed a typographical error in omitting the word *not* in the seventh commandment, and for this they were deeply fined by the High Commission, while the whole impression was called in.‡ Many, too, were severely prosecuted for importing the Geneva Bibles, which had been freely allowed under Elizabeth, and even by James, though he disapproved of some notes about resisting the chief magistrate.§

Book of
Sports.

Having alluded to the Book of Sports, as it is called, we shall here introduce an account of it. The Christian church had, from the earliest times, set apart the first day of the week as sacred; but as it was a different day, so it was held to be a different institution, from the Jewish Sabbath; and entitled to reverence merely as an

* Clarendon, vol. i. p. 24.

† *Canterbury's Doome*, p. 128 *et seq.*

‡ Heylin's *Life of Laud*, p. 228.

§ *Canterbury's Doome*, pp. 181, 182, 454, 513, 516, 518, 529; Rush. vol. iii.

App. An application was made to the Dutch government to prevent the printing of English books there (*Life of Laud*, pp. 304, 305).

appointment of the church, (which was empowered by heaven to make such regulations,) not as a direct obedience to the fourth commandment. Many of the reformers, however, regarded it in a different light, and observed it with all imaginable strictness as the Sabbath. The Puritan clergy now carried, to the highest degree, the sanctity of the Sabbath, devoting that day to preaching, and to extemporary or pulpit-prayers after the litany. Their hearers frequently permitted the service to be over before they entered the church. The grand object of Laud and his party, however, being in a manner to supersede preaching and lecturing, and, above all, the preaching of those who did not cheerfully join him in his innovations, it was conceived to be necessary to lessen the reverence for the Lord's day, to inure the people to sports, that they might be withdrawn from sermons, and to impress upon the general mind that Sunday was exactly in the same situation with the other holidays appointed by the church, and that to regard it in any other light was an unpardonable impiety. Laud seems to have had more respect for the holidays than for it. This, while it struck no less deeply against the interest, than it affected the piety of the Puritan ministry, whose influence in the community depended on very different principles from an attention to rites, meats, and vestments, was particularly calculated to gratify the ambition of the ruling party, since it implied a most extensive authority in the church—in other words, the prelates; and, besides teaching the people how inadequate they were to form any judgment upon doctrinal points, ever reminded them of the authority which appointed the regular periods of worship, and prepared them for the reception of all the ideas connected with particular days. The Book of Sports had been published in the preceding reign; but there had been an express statute passed in the first of this reign against plays, sports, &c., on Sunday, yet a declaration enjoining them was now ordered

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I. to be read by every minister, while extemporary prayers, nay, preaching, too, were prohibited. The measure excited general consternation: as it was intended for a test of uniformity, so it was esteemed; and indeed was nothing short of demanding that the popular clergy should, besides doing violence to their consciences, be themselves the instruments of their own ruin in the public opinion.* Many, though with much heart-burning, complied; hundreds were, as we have said, silenced, suspended, deprived, or obliged to leave the kingdom for a refusal. The spirit with which many complied with it may be conceived from the remark of one, who, having read the declaration, said, ‘Dearly beloved, you have heard now the commandments of God and man, obey which you please.’ Another, having read it, preached upon the fourth commandment.†

* St. 1 Car. c. 1. continued by 3 Car. c. 5. s. 3; see also 3 Car. c. 2; Prideaux on the *Sabbath*, with a preface by the translator. Ed. 1635; Dow’s *Christian Sabbath*, 1636; and *Innovations upon the present Church and State*, ch. 9, 1637; Pocklington’s *Sermon, Sunday no Sabbath*, 1636; Heylin’s *Life of Laud*, *Introd.* p. 15; *Life*, pp. 257, 258, 280, 281, 310, 311, 312. This writer tells us that a poor schoolmaster in Norfolk, one Bra-bourne, ‘seduced and misguided by the continual inculcating of the morality of the Lord’s-day Sabbath, from the press and pulpit, published a book, in maintenance of the seventh-day-Sabbath, as it was prescribed by Moses, &c., that his majesty, extremely moved with so lewd an impudence, and fearing to be thought the patron of a doctrine so abhorrent from all Christian piety, gave orders for the author to be censured in the High Commission. The author was convinced of his error by the arguments used in that court (pp. 257, 258). The chief justice, Richardson, had performed his duty in enforcing the statute in Somersetshire, and ‘he was convented at the council table, and peremptorily commanded to re-

verse his order at the next assizes for that county. Withal receiving such a rattle for his former contempt by the Bishop of London (then Laud, anno 1633), that he came out blub-bering and complaining that he had been almost choked with a pair of lawn sleeves’ (p. 257; Prynne’s *Introd to Laud’s Trial*, p. 158; *Cant.’s Doome*; Fuller’s *Church Hist.* b. ix. pp. 227, 228; b. x. p. 74; b. xi. p. 144; Straff. *Let. and Disp.* vol. i. p. 166; Rush. vol. ii. p. 191 *et seq.*, p. 459 *et seq.*; May, pp. 23, 24. Mr. Hume, without, as usual, taking the trouble to inform himself on the subject, ascribes the Book of Sports to the king’s desire to infuse more cheerfulness into his people, as if Charles had been so insane as to make men mad by an injudicious attempt to compel them to be merry—against the statute-law too. Laud, after relating, in his *Diary*, an accident that Viscount Mansfield met with on Good Friday in running at tilt, says, ‘Should not this day have other employment?’ How he would have had the Sunday employed we have already shown.

† Straff. *Let. and Disp.* vol. i. p. 166.

We have already had occasion to give an account of the Earl Marshal's Court, which was erected without a pretext of law; and, according to Clarendon himself, imposed the most extravagant fines. But it is unfortunate that no record of cases has been preserved; Rushworth, who had kept an account of them, having lost it through the improper conduct of a friend to whom he had lent, and who never returned it. But the two following cases afford a sufficient proof of the gross injustice of that usurping tribunal. A waterman attempted to extort more than his fare from a citizen, and, after some rudeness, produced his badge, which represented a swan, the crest of an earl, to overawe his employer. The latter, tired of impertinence, bade him be gone with his goose; when the waterman complained to his master, and by his interest had the citizen summoned into the Marshal's Court. Here the citizen was ruined by an immoderate fine, for the alleged and clearly unintentional offence of reviling the nobleman's crest, by calling the swan a goose! A gentleman owed his tailor a large bill, which he had no mind to pay; and the tailor dunned him for his money. The gentleman upon this laid hands on the poor tradesman, and thrust him out of the room, calling him base fellow. The other, thus denied his hard-earned pittance, and vilely used, so far forgot the respect due to his creditor, as to let fall the insulting words, that he was as good a man as the other. This was an unpardonable offence, and he was cited into the Marshal's Court, where he was compelled to release all his debts for his ill manners. It was this court that issued authority to the herald's office to assess all funerals according to the quality of the deceased.*

CHAP.
I.
Earl Mar-
shal's
Court.

An oppressive act of the Court of Exchequer may now be mentioned. A society of pious men had erected them-

Case of the
feoffees
for buying
in impro-
priations.

* Rush. vol. ii. p. 104; *Cabala*, 4to. ed. 1655, p. 55, about this court; Rush. vol. iii. p. 1054, 1055, 1056;

Clarendon's *Life*, vol. i. p. 82; but also on same subject, pp. 81 *et seq.*, 85 *et seq.*

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selves into a corporation; for purchasing in impropriations which had been dissolved by the Reformation, with a view of bestowing them upon ministers of their own choice. Laud and his master, however, hated all lay benefices, because the incumbents, though necessarily approved of by their ordinaries, were generally better suited to the taste of their auditory than to the spirit of the cabinet, and Laud had long aimed at having these impropriations restored to the church. The feoffees were therefore cited into the Exchequer Chamber, where their powers were annulled, the impropriations which they had purchased transferred to the church, that his majesty might bestow them upon incumbents of his own choice, and themselves threatened with a prosecution in the Star Chamber. It was deemed advisable not to proceed against them further; but some of them were indirectly vexed with arbitrary proceedings. A Mr. Foxley, supposed to favour them, was confined in a chamber not four yards square, and kept close prisoner for twenty months.*

We might enumerate other arbitrary proceedings, as a decree in the Star Chamber prohibiting any to act as printers, either as principals or servants, without a licence, and ordaining that all who presumed to contravene the decree be punished with whipping, the pillory, and imprisonment, or in any other manner which the court should think fit; and that none should import books without a licence under similar penalties, &c. (no book, though formerly licensed, was to be reprinted without a new warrant).† But we conceive that enough has been

* On the 12th April, 1626, Laud has an entry in his *Diary* as follows: 'That night, after 9 o'clock, I gave to the king an account of what I had received in command on the 5th April, and of other things relating thereto. Amongst the rest, *restoring impropriations*. The king spoke many things very graciously therein, after I had first discoursed of the manner of effecting it.' On February 13th,

1631-2, he has the following entry: 'The feoffees that pretended to buy in impropriations, were dissolved in the Exchequer Chamber. They were the main instrument for the Puritan faction to undo the church. The criminal part reserved' (Rush. vol. ii. p. 150, *et seq.*; *Cant.'s Doome*, p. 385 *et seq.*).

† See this decree in Rush. vol. iii. App.

said to convey a picture of the government ; and we shall now give an account of the famous measures relative to the tax of ship-money. The devising of this tax has, with little justice, been attributed to Noy ; as, in the second of this reign, while he was a keen advocate for the constitution, a similar tax was imposed. Ships were at that time required from the several ports, with the assistance of the adjacent counties, and excepting that the inland counties were now assessed as well as the maritime, the tax had only so far assumed a different shape, that, instead of ships, money was demanded under the pretext of fitting out a fleet. It was politicly levied with great fairness in the assessment, except that the clergy, though they complained of being rated too high, were favoured. But, as it struck at the vital principle of a free government, and, if permitted to operate, swept away at once all hope of another parliament, or any check to arbitrary power, it excited a murmur amongst all ranks ; and the name of Noy, which had been famed on account of his reputed research, became worse than contemptible.*

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I.
Ship-
money.

To defraud the people, by a pretended principle of law, the Lord Keeper Coventry openly charged the judges in the Star Chamber, on giving them their commissions, to travel the circuits, to recommend it to the different counties. But when this failed, another device was resorted to, 'to gild this illegal pill.' Heath, who had shown himself refractory in the case of Williams, was removed from the office of chief justice of the Common Pleas, as unfit for the occasions of government ; and his place was supplied by Finch, who, with little law, had qualities better adapted to the times when law was disregarded. He, assisted by others, applied to his brother

* Whitelocke, p. 22 ; Rush. vol. ii. pp. 213, 247, 253, 257 *et seq.* ; Clar. vol. i. p. 118 *et seq.* Heylin tells a ridiculous story of Noy having, from time to time, made notes from the records in the Tower, proving that naval aids

had often been exacted ; and of his having kept the small slips of paper, on which his notes were preserved, in the coffin of a pie sent by his mother (*Life of Laud*, p. 320).

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judges to concur with him in an extrajudicial opinion, which was to be published, that the tax was consonant to the fundamental laws of the realm ; and, by much solicitation, with promises of preferment to some, and threats to others, as the judges themselves informed Whitelocke, an opinion was obtained that, when the kingdom in general is concerned and in danger, the king may levy sums for equipping and furnishing a navy ; and that he is the sole judge both of the danger and of the means to prevent it. This extrajudicial opinion was ordered to be enrolled in all the courts of Westminster ; but, however it might satisfy Charles himself, whom Heylin, in regard to this very case, calls ‘ too just a prince to exact anything by power, when he had neither law nor reason to make it good,’ † increased, instead of allaying the general discontent : for nothing embitters oppression more than to pretend to justify it on principle ; and men, though they may be dragooned, are not to be cheated out of their liberties. None could be so dull as not to perceive that, upon the same ground, any tax whatever might be imposed ; that the plea of necessity was an insult in this instance, since the prince was so far from merely providing a temporary remedy for the exigencies of state, till parliament could be assembled, that he had declared his purpose to govern without the legislature ; that, as necessity supersedes all law, it was utter extravagance to pretend to justify the measure on legal principles ; and that necessity never can be pleaded in regard to a regular tax at the will of the prince, since it requires such time in the levying, that there must be more than leisure to provide a legislative remedy for the evil which is alleged to call for the measure. The plea of necessity would never fail a prince ; and it was well admitted on all hands that, if the law gave the power, it must presume a faithful discharge of the duty ; nay, afterwards, all argument upon

* *Life of Laud*, p. 321.

the necessity of the measure was prohibited, as reflecting upon so benign a monarch; and Mr. Holbourn was severely checked by the chief justice of the Common Pleas for assuming it as a possible case that such a power might be abused.*

Great was the triumph of the court party on having obtained this opinion. Wentworth declared 'it to be the greatest service the legal profession had done the crown in his time.' 'But,' says he, 'unless his majesty hath the like power declared to raise a land army upon the same exigent of state, the crown seems to me to stand but upon one leg at home, to be considerable but by halves to foreign princes abroad: yet sure this, methinks, convinces a power for the sovereign to raise payments for land forces, and consequently submits to his wisdom and ordinance the transporting of the money or men into foreign states, so to carry, by way of prevention, the fire from ourselves into the dwellings of our enemies (an art which Edward III. and Henry V. full well understood), and if by degrees Scotland and Ireland be drawn to contribute their proportions to these levies for the public, *omne tulit punctum*.' 'This piece,' continues he, 'well fortified, for ever vindicates the royalty at home from under the conditions and restraints of subjects; renders us also abroad, even to the greatest kings, the most considerable monarchy in Christendom,' &c. Such was the language of Wentworth; but he still earnestly dissuaded from engaging in the Continental broils, alleging that it was 'a business to be won from the subject in time of peace only; the people first accustomed to these levies.' 'I beseech you,' says he, 'what piety to alliances is there that should divert a great and wise king forth of a path which leads so manifestly, so directly, to the establishing his own throne, and the secure and independent seating of himself and posterity in wealth, strength, and glory, *far*

* Whitelocke, pp. 24, 25; Rush. money (see particularly, pp. 960, p. 352 *et seq.*; *State Trials*—Ship- 970-1).

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I

above any their progenitors; verily, in such a condition as that there were no more hereafter to be wished them in this world, but that they would be very exact in their care for the just and moderate government of their people, which might minister back to them the plenties and comforts of life,* &c. It has been said that Charles and his ministers were actuated by a desire of merely retaining the ancient prerogative of the crown, but this affords a direct refutation of the statement; and with regard to Wentworth's cant about just and moderate government, his practice establishes his ideas upon the point; and the following passage proves also the nature of his theory. He recommended that the king should be 'sole merchant' of salt in Ireland, because 'it is of so absolute necessity, as it cannot stay on his majesty's hand; but must be had, whether they will have it or no, and may at all times be raised in price, so far forth as his majesty shall judge to stand with reason and justice—witness the gabelle in France.'†

Mr. Chambers and others attempted to make an appeal to the laws against this monstrous tax of ship-money; but even a hearing was denied. One of the judges, indeed, openly remarked, that 'there was a rule of law and a rule of government, and that many things, which might not be

* *Straff. Let. and Disp.* vol. ii. pp. 61-2, *Considerations about a War with Austria*. His real motives regarding the war, he thus develops in a letter to Laud: 'Good, my lord, if it be not too late, use your best to divert us from this war; for I foresee nothing in it but distractions to his majesty's affairs, and mighty dangers to us that must be ministers; albeit, not the authors of the counsel. It will necessarily put the king into all high ways possible, else will he not be able to subsist under the charge of it; and if these fail, the next will but be the sacrificing those that have been ministers therein. I profess I will readily lay down my life to serve my master; my heart

should give him that very freely; but it would something trouble me to find those that drew and engaged him in all these mischiefs busy about me themselves, in fitting the halter about my neck, and in tying the knot sure, that it should not slip, as if they were the persons in the whole world the most innocent of guilt, howbeit, in truth, as black as hell itself, and on whom alone the punishment ought to lie' (p. 66).

† Vol. i. p. 192-3. There is, in the State Paper Office, a curious document (9th January, 1632-3), entitled, *Papers concerning ye Salt Business*, but I do not discover the absolute impost, though I suspect that a direct tax was contemplated.

done by the rule of law, might be done by the rule of government.* But when some men of high rank demanded a legal hearing, the king, confident of a favourable judgment from his prostituted sworn guardians of the law, and anxious to stem the torrent of public indignation, consented to a trial of this, the most important question that ever came before an English court. The individual, whose case was tried, was John Hampden, a name that will be illustrious so long as patriotism and private virtue are venerated by men. He was a gentleman of the oldest extraction in Buckinghamshire, and of a large estate; † and though, at this period, not much known as a public character, universally beloved in his own county, and esteemed for his talents. His morals were strict, but his mind cheerful: his resolution, both in the closet, the senate, and the field, undaunted; but his disposition mild, his manners courteous and affable. While such were the equability and moderation of his temper, that, though every opportunity was sought for an advantage against him, in any unguarded act or expression, none could be found. He had been only rated for twenty shillings, and it was his own particular interest to submit to the imposition; but he disdained to comply with a demand that annulled all the franchises of his country; and he consulted with the greatest lawyers in the kingdom. ‡ This was exactly the character fitted for the juncture. The case was argued at great length in the Exchequer Chamber, before the twelve judges, who delivered their opinions in the fullest manner. It held the court twelve days; but, as might have been anticipated, a judgment was pronounced in favour of the crown. The effrontery with which the principles of despotism

Hampden
and case of
ship-
money.

* Rush. vol. ii. p. 323. Chambers could obtain no redress; and Jennings, Danvers, and Pargiter, having been imprisoned for refusing the tax, were denied their *habeas corpora* (p. 414 *et seq.*).

† Clarendon says, 1500*l.* a year.

‡ Clar. vol. i. p. 323 *et seq.* and p. 347, *n.*; vol. ii. p. 15, with *n.*; vol. iv. p. 88 *et seq.* particularly *n. s.* 91 *et seq.*; Whitelocke, pp. 25, 70.

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were advanced, both at the bar and on the bench, must satisfy every one of the awful crisis to which matters had arrived. It was asserted that the power of imposing was so inherent in the crown, that no act of the legislature could take it away. Even Clarendon, who indeed condemns the judgment in the most unqualified terms, tells us that there were in this, as in other cases, 'many impertinences, incongruities, and insolences in the speeches and orations of the judges, much more offensive, and much more scandalous than the judgments themselves.'* Four of the judges dissented from their brethren, and by their argument partially vindicated the old law of the country: one of them, Sir George Crooke, had intended to give his opinion for the crown, but 'his lady, who was a very good and pious woman,' inspired him with a better mind. 'She told him she hoped he would do nothing against his conscience, for fear of any danger or prejudice to him or his family; and that she would be contented to suffer want, or any misery with him, rather than be the occasion for him to do or say anything against his judgment and conscience.'† The annals of the world do not afford an instance of nobler conduct: were it oftener the province of the historian to record the virtues of a Lady Crooke or a Hampden, the fruit of his labours would be redeemed from the charge of being little else than a register of crimes.

Effect of
the judg-
ment
against
Hampden,
and feel-
ings of the
people.

When the tax was first imposed, people were impressed with the idea of some state necessity—some danger from abroad, and submitted to it too generally on that account. 'But when they heard it demanded in a court of law as a right, and adjudged so upon such grounds and reasons as every bystander was able to swear was not law—by a

* Clar. vol. i. p. 126, but see from p. 121 to p. 129. See the case of ship-money in the *State Trials* and in Rush. The pleadings are full of research. Warburton's reason (note to vol. ii. p. 263) for doubting the patriotism of Hampden, is founded

on an unhappy confidence in the candour of Clarendon; there being (as I shall show) no doubt of the real object then in view, which the noble historian affects to ridicule.

† Whitelocke, p. 25.

logic that left no man anything which he might call his own, they no longer looked upon it as the case of one man, but the case of the kingdom, which they thought themselves bound in public justice not to submit to.* The decision, therefore, along with other circumstances, filled men with abhorrence, and with the gloomiest apprehensions; 'that things carried so far on in a wrong way, must needs either enslave themselves and posterity for ever, or require a vindication so sharp and smarting, as that the nation would groan under it.'† 'Presages of evils were in every mechanic's mouth.'‡

Such were the sentiments of the great body of the people; but there were many lords and gentlemen who, looking no farther than the present time, and enjoying plentiful fortunes, dwelt upon the evils which Germany, wasted with war, and other countries, endured, and alleged that in France, though there were no parliaments, the gentry lived well. 'Some of the greatest statesmen and counsellors would ordinarily laugh at the ancient language of England, when the word liberty of the subject was mentioned.'§ The high-clergy in particular exulted, and had it not been at the general expense, it would have been perfectly fair, that their status and power in the community were raised, and that men of great families not only married their daughters to their cloth, but purposed to provide for their sons by breeding them to the church.||

* Clar. vol. i. p. 123.

† May, p. 17.

‡ Hacket's *Life of Williams*, part ii. p. 127 (see Wentworth's remarks on Hampden, in that very letter in which he would entrust the cure of the cancerous malignity of the times, which must be cut forth, to one Esculapius alone (*Let. and Disp.* vol. ii. p. 138; also p. 158; the last betrays a very coarse mind). (See also his sneer at *Old Ned Coke*, p. 108, for his dislike of monopolies.)
§ May, pp. 18, 19; Heylin's *Life of Laud*, p. 251.

|| Laud, in his *Diary*, says, 'March

6, 1635-6, *Sunday*, William Juxon, lord bishop of London, made lord high treasurer. No churchman had it since Henry VII.'s time, &c. And now, if the church will not hold up themselves under God, I can do no more.' Heylin tells us that his advancement was of service in regard to tithes in London (*Life of Laud*, p. 304; Clar. vol. i. p. 175 *et seq.*; Straff. *Let. and Disp.* vol. ii. p. 2; May, p. 23). The people, when they saw the treasurer riding with the other bishops, used merrily to call it the church triumphant.

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To exalt his brethren Laud endeavoured to procure for them the first offices of state; Juxon, bishop of London, was made treasurer with this view, Laud himself being prime minister; and there was a talk amongst the younger clergy, that there was to be one of their number, Wren, bishop of Norwich, a secretary of state, and Bancroft, bishop of Oxford, chancellor of the exchequer. To give the parochial clergy importance too, they 'were everywhere made justices of peace, to the great grievance of the country in civil affairs, and depriving them of their spiritual edification.* Acting upon their plea of divine right and authority to keep spiritual courts, the clergy arrogated to themselves, as falling within their divine jurisdiction, suits of tithes, as well as all cases of continence, &c. (which they claimed the power of punishing by fine, as well as by excommunication, a punishment that subjected the convict to imprisonment till he were absolved, which might be for ever); and it is a very singular circumstance that now, as during the papal supremacy, great encouragement was given to the civil law. For this purpose, the primate obtained a promise of the king, that the masters of requests should all be doctors of the civil law, and also eight masters in Chancery.† It is too natural for bodies of men to esteem an individual who has endeavoured, even unjustly, to exalt their class. But it should never be forgotten that Laud, by his injudicious attempt to render his cloth preeminent, exposed it to the utmost danger of utter ruin.

Negotiation with Rome.

The negotiation with Rome appears to have proceeded far;‡ and in regard to innovations, what Laud durst not

* Clarendon also tells us that they now forgot condescension and civility to their patrons and neighbours in the country (Clar. vol. i. p. 171 *et seq.*).

† Heylin's *Life of Laud*, Introd. p. 2; *Life*, p. 290; Straff. *Let. and Disp.* vol. i. p. 176; Clarendon, vol. i. p. 305.

‡ See *Necessary Introd. to Laud's*

Trial, and *Trial* itself. See a pamphlet, published in 1643, 4to., entitled, *The English Pope*, which is well written; and the *Pope's Nuncios, or the Negotiations of Sig. Con. Panzani*, &c., said to be written by a Venetian gentleman; Heylin's *Life of Laud*, p. 410 *et seq.* This last I conceive to be pretty conclusive evidence.

yet attempt in England he tried in Scotland, a country where it was supposed he might dictate with less danger of resistance. The feelings of the man may be conceived from the following language to Wentworth in 1634:—‘As for my marginal note, I see you deciphered it well; and I see you make use of it too. Do so still; *thorough and thorough*. Oh! that I were where I might go so too; but I am shackled between delays and uncertainties.’* It was under consultation to send out a bishop to the American colonies to insist upon uniformity, and to back him with troops should the colonists be refractory.† Here we may remark, that the advocates of this churchman have conceived their defence of him complete, by denying his purposed reconcilement with Rome, which yet Heylin does not; but, in truth, that was a matter of no importance in such a view, since the innovations by which he shook the foundations of society would, if submitted to, have been pregnant with the same baleful consequences. Nay, not a few may agree with the following sentiment in a speech of Sir Edward Deering: ‘He,’ Laud, ‘pleads popeship under the name of a patriarch. But herein I shall be free and clear, if one there must be, be it a pope, be it a patriarch—this I resolve upon for my own choice, *procul a Jove, procul a fulmine*—I had rather serve one as far off as the Tiber, than have one so near as the Thames. A pope at Rome will do me less hurt than a patriarch may do at Lambeth.’ Heylin, with wonderful inconsistency, after having dwelt upon the propriety in a religious sense of the innovations, nay approved of the scheme of reconcilement with the Pope, defends them on the principle of their being calculated to allure the Catholics into the English church, when they perceived how trifling were the differences between the tenets of each.‡ But this, while it displays little candour, is the best proof of the extremities to which Laud

* *Straff. Let. and Disp.* vol. i. p. 329.

† Heylin's *Life of Laud*, pp. 368–9.

‡ *Life of Laud*, p. 417. I quote this author because he was the minion of Laud.

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was disposed to proceed. With all his desire to attract the Romanists, he was so far from adopting measures to conciliate the Puritans, the great body of the nation, and the majority of whom had no dislike to the ecclesiastical government as established by law,* that by acts of severity and persecution he goaded them almost to madness. While, too, the Romish was declared to be a true and the mother church, the title of church was denied even to the ecclesiastical establishments of foreign Protestant communities.†

* Clar. vol. i. p. 158 *et seq.*

† In the year 1634, the Queen of Bohemia, as she was still called, sent over a Mr. Rully, a Palatinate minister, with letters to Laud, requesting that a collection might be allowed and recommended for the distressed ministers of that country. This was acceded to, and letters patent were passed under the great seal in exact conformity (*verbatim*) with similar precedents, both in the last reign and this; but when Mr. Rully carried them sealed to Laud, he fell into a great passion, because, as formerly, the sufferings of that body were ascribed to their stedfastness in 'the true religion, which we, together with them, profess to maintain;' declared, that were it not for his respect and engagement to the Queen of Bohemia, he would not have allowed a collection to be made; and that he would not permit the letters to go forth in these terms; he accordingly struck out the passage, and got new letters passed (*Cant.'s Doome*, p. 391; *Straff. Let. and Disp.* vol. ii. p. 55). Yet people were committed and vexed in the High Commission, not for writing, but even for publishing books against the Papists and Armenians—as Sparks, Jones, Butter, Bowler, and others (*Cant.'s Doome*, p. 185), while all such works were prohibited. 'The clergy,' says May, 'whose dependance was merely upon the king, were wholly taken up in admiration of his happy government, which they never concealed from himself, as often as the pulpit gave them access to his ear; and not only

there, but at all meetings discoursed with joy upon that theme; affirming confidently, that no prince in Europe was so great a friend to the church as king Charles; that religion flourished nowhere but in England, and no reformed church retained the face and dignity of a church but that. Many of them used to deliver their opinion, that God had therefore so severely punished the Palatinate, because their sacrilege had been so great in taking away the endowments of bishoprics. Queen Elizabeth herself, who had reformed religion, was but coldly praised, and all her virtues forgotten, when they remembered how she cut short the bishopric of Ely. Henry VIII. was much condemned by them for seizing upon the abbey,' &c. (p. 22).

See Clarendon's *State Papers*, vol. i. p. 338, for the effect produced upon the French Protestants by the English ambassador, Lord Scudamore, setting up an altar in his own chapel, which they deemed superstitious. It hazarded the English interest with that party.

As Mr. Hume has been pleased to pronounce a eulogy upon this prince's government during the disuse of parliaments, 'as more gentle and equitable than that of most of his predecessors,' and to say that instances of great rigour 'are rather to be considered as rare and detached incidents, collected by the severe scrutiny of historians, than as proofs of the prevailing genius of the king's administration,' it will be necessary to make a few remarks upon that subject. With

We now draw to a conclusion with this melancholy picture. But there is one circumstance more to be adverted

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regard to the unjustifiable acts of severity and cruelty, the reader has only to enumerate those we have particularised, to be satisfied of their frequency, and, as we shall immediately show, the number was infinitely beyond what we have given. In former reigns, if, in an unsettled state of the community, an irregularity was committed by the executive, it was generally justified, or at least palliated, as necessary by the prevailing party, who too often encouraged such acts, and was not sufficient to forfeit for the crown the popularity redounding from an administration which, as a whole, was approved of by the majority of the people. But Charles did not even conceal a determination to dispense with the very forms of the constitution (see what Clarendon himself judiciously and candidly says on this head, vol. i. p. 25 *et seq.*); and in the case of the northern counties that was unequivocally practised, while, in effect, the same system was carried into execution in the south. The question then is, Whether this illegal system was carried through, and whether the acts of severity were calculated to intimidate men into compliance? Now, after the case of Chambers and others, after an order to seize men's goods, and imprison their persons, for attempting to recover their property in a legal way, what opposition could be made to the duties of tonnage and poundage, though there was even a new book of rates? If the officers had been resisted, the act of the party refusing the duties assumed a new character, and would have met with a terrible punishment. Had the people risen in numbers for mutual protection, that would at once have led to martial law, trials for treason, &c. Indeed, when matters came to that crisis, it is not easy to conceive how Charles could have made concessions. That he would not is clear, from

what we shall detail in regard to Scotland in the next chapter. Grant, however, that he would, what does this prove, but that he had no scruple in proceeding to any extremity which should not absolutely force his people to resist him with arms? What species of government that is, need not be remarked. Again, the cruel ruin of the sixteen soap-boilers, left no alternative to others in that line. The same remark applies to other cases of illegal proclamations; as fuller's earth, gold, corn, &c. &c., and particularly that against the nobility and gentry residing in town. The case of Sir Anthony Roper, &c., obliged others to compound in regard to depopulations. That of Moore, who, besides being so severely fined, had twelve or fourteen houses pulled down, had the same effect in regard to buildings in London; the case of Maleverer, &c. in regard to knight-hood; the severe fines under pretext of the forest laws operated likewise there. Again, with regard to religion, the same consequences flowed from cruelty and oppression, inasmuch that the people were content to quit their homes, and seek an asylum in the dreary wilds of America. Mr. Hume sneers at all this, as if they were a race of bigots; while he admits that these severities proceeded on innovations made upon the religion established by law; but are the religious feelings of mankind to be made sport of? Are they fair subjects of persecution because they will not adopt any creed from the throne? And then, if they have no liberty in this respect, because the king wills it, what security have they in any other? Mr. Hume justifies the government in this remarkable way, that the sufferers might have obtained immunity from persecution by submitting; and that they suffered from their own obstinacy. But what does any tyrant propose in general to himself by severity, unless it be to reduce the

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to. With a view to justify, or at least palliate the tax of ship-money, it has been alleged by the celebrated historian,

people to submission? Private revenge, which again commonly flows from fear, can only extend to a few. He tells us that the instances of rigour were rare. Have we, however, enumerated but a few? And were they not done with an object which they accomplished? An object which was nothing short of substituting a government of will for the old laws of the realm. Let us, however, enquire into their number a little. He probably proceeds in this way. Though sixteen soap-boilers were prosecuted at once, that was but one case; but, surely, it is of no earthly importance whether they were prosecuted individually or at once. About two hundred of the highest ranks were illegally prosecuted at once, in the Star Chamber, for residing in town contrary to a proclamation (Rush. vol. ii. p. 288 *et seq.*); that, too, may be called one case (see also Straff. *Let. and Disp.* vol. ii. p. 142). The proceedings about buildings may be termed one case, but mark what occurred. The severity towards Moore brought 100,000*l.* of rents under the power of the court; and the owners, to save their property as a whole, were glad to compound at the rate of three years rent. Now, if we allow 20*l.* for each house, we shall find that about 5000 houses were in this condition; I think we may also allow about a proprietor for every house. The severe fine upon Roper brought about seven hundred into composition, some for 1000*l.*, some for 500*l.*, others for 300*l.* The same thing happened in other cases. Why, then, are we told of the inconsiderable number of instances? They were such as left no man anything he could call his own—not even the ears in his head.

Mr. Hume says, that in consequence of the fine imposed upon Roper, above 30,000*l.* were brought into the exchequer. But, in the first place, he has not done justice to his

authorities (Rush. vol. ii. p. 333, and Franklyn, p. 478), for both inform us that the commission which brought that sum extended only to the counties of Oxford, Cambridge, Warwick, and Nottingham, and that the like commissions were granted for other counties. In the next place, the sum actually imported into the exchequer was frequently a mere trifle in comparison of that levied. And, in the last place, the Rev. Mr. Garrard thus writes to Wentworth: 'Monies come in apace for depopulations; the trespassers in that kind come in apace, and compound at the council table; some for 1000*l.*, some for 500*l.*, some 300*l.*, and so set up so many farms again.' (It was well remarked, that if they had committed a wrong, it was intolerable that they should for money have been protected in it.) 'My Lord of Canterbury hath great care of the church in this business, for, by turning arable into pasture, churchmen have great loss. I hear of 700 trespassers in this kind, great and small' (Straff. *Let. and Disp.* vol. i. p. 491). See about licensing towns to sell tobacco (p. 208). See about pulling down houses (*Ibid.*). 'It is confidently spoken,' says the writer, 'that there are above one hundred thousand pounds rents upon this string about London. I speak much within compass. For Tuttle, St. Giles, St. Martin's Lane, Drury Lane, Covent Garden, Lincoln's Inn Fields, Holborn, and beyond the Tower, from Wapping to Blackwall, all come in, and are liable to fining for annoyances, or being built contrary to proclamation, though they have had licences granted to do so. My Lord of Bedford's licence in this case, as it is said, will not avail him' (*Ib.*; see also pp. 243, 261). See about a grant to Lords Dorset and Holland, to export sea-coal to Dunkirk and other places (p. 227). N.B. In enumerating cases, I include all those anywhere given by us in notes, as well

to whose work we have so frequently referred, that the money was expended profitably for the state, that the nest of pirates at Sallee was rooted out, and that the Dutch were obliged to purchase a licence for fishing on the English coast at 30,000*l*. But, though this were all to be admitted, it would not alter the case, since it was not the amount of the assessment, but the arbitrary imposition of which the people justly complained; and everyone knows that a tax imposed by a Turkish pacha is frequently expended for a similar object. Unfortunately, however, the English had not the consolation of thinking that the money extorted from them was destined to any useful purpose. Luxury, hungry courtiers, and the queen's French attendants, consumed the greater part of that ill-acquired treasure, while a portion of it was applied towards overturning the liberties and religion of Scotland. To root out the formidable nest of pirates at Sallee, England sent only four ships and two pinnaces, (at what time could she not have done far more than this without any extraordinary exertion?) and the success of the measure arose entirely from an accidental event. Sallee had revolted from the Emperor of Morocco, and he having dispatched an ambassador to instigate Charles to attack the town by sea, while himself advanced against it by land, the plan was successfully adopted. But, when it required only so small a naval force to accomplish the object, what shall be said of the English government for having permitted these robbers to commit such depredations? As the pirates of Sallee fell, the Algerines advanced to their place, and thus prevented the British dominions from deriving much benefit from the measure. These fitted out a fleet of sixty sail, took many vessels, one of them valued at 260,000*l*., and carried off between four and five thousand British subjects into captivity. As for the Dutch they soon resumed their fishing without a licence, and captured two East Indiamen

as in the text, and introduced indirectly as well as directly, and the

members of parliament who were persecuted on the dissolution, &c.

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with impunity, valued at considerably upwards of 300,000*l.*, or above ten times the sum with which they had formerly purchased a temporary right of fishing. Nor was this all : France and Spain, as well as Holland, violated the neutrality of the English ports, and captured the merchant vessels, while 'the seas were dangerous by reason of the Dunkirkers.' Even the high admiral complained, that such was the mismanagement of the fleet, 'he could neither do service to the state, gain honour to himself, nor do courtesies to his friends.'*

* *Straff. Let. and Disp.* vol. ii. pp. 25, 50, 56, 84, 115 *et seq.*, 129, 131, 138. It was imagined that the business of Sallee would have a great effect in inducing the people to submit to ship-money; and it is astonishing that so little was done with that view. The first writ went out in October, 1634, and ships were sent out against Sallee in 1637 (*Sidney State Papers*, vol. ii. pp. 375, 435, 531, 533; *Whitelocke*, p. 22 *et seq.*; *Rush.* vol. ii. p. 322). It may well be questioned whether the sixty sail, sent out under the command of Northumberland in 1635, were all or

nearly so of the royal navy. Merchant vessels were generally used, on any emergency, to co-operate with the king's ships; and see what occurred in 1636 (*Straff. Let. and Disp.* vol. ii. p. 56). One immensely large ship, however, was built. It was of 1637 tons; the length of her keel was 128 feet; her breadth, 48; height of her keel, 76 feet. She was named the *Sovereign*, and was the largest that had been built in England (*Id.* p. 116; *Rush.* vol. iii. pp. 1139, 1339; *Cob. Parl. Hist.* vol. ii. p. 554; *Old Parl. Hist.* vol. viii. p. 440; *Coke's Detect.* p. 259).

CHAPTER II.

STATE OF SCOTLAND, AND THE INTENTION OF THE KING—HIS VISIT TO SCOTLAND, CORONATION, ETC.—A PARLIAMENT THERE, AND MEASURES PASSED—TRIAL OF BALMERINO, ETC.—CANONS AND SERVICE-BOOK SENT DOWN, AND THE RECEPTION THEY MET WITH—COMMENCEMENT OF THE DISTURBANCES, ETC.—EXPEDITION TO QUELL THE SCOTS, AND THEIR VIGOROUS RESISTANCE; WITH THE PACIFICATION OF BERWICK—SECOND RECOURSE TO ARMS—A PARLIAMENT IN ENGLAND, AND ITS DISSOLUTION—ENTRY OF THE SCOTS INTO ENGLAND—TREATY OF RIPPON—COUNCIL OF PEERS, ETC.

IN a former part of our work we have described the distracted state of Scotland, and the general discontent which the changes in the ecclesiastical establishment and worship had produced; but it will not be improper in this place to present a rapid sketch of the various circumstances which fomented hostility to the government.

However the idea of giving a king to England might, at a distance, reflect glory upon the Scottish nation, it was with a truly prophetic spirit that the people wept at the departure of their monarch to take possession of a foreign throne, since, notwithstanding the profit derived by the young courtiers from their transference to the sister kingdom, and any ultimate benefit from a union, the immediate inevitable consequence was, that Scotland ceased to be an independent kingdom, and sank into the insignificance of a province. Many of the nobility had impatiently expected the accession of James to the English throne, as to an abundant harvest of place and emolument for themselves; but they must have early discovered, that though the first prince from the north might prefer his native subjects, the prejudice in their favour would not descend to his successors; and that amid the deep-

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rooted animosities of rival nations, the preference of Scotsmen to office in a foreign country must be no less hurtful to the sovereign than invidious in them.* Though, after this prince's removal to England, Scotland retained her claim to independence as a kingdom, the first became in reality the seat of Scottish government—a circumstance that could not fail to mortify a people, who, at a much later period, so strenuously resisted a union. The proud aristocracy, who were eminent at home, felt the consciousness of degradation; that portion of the community who aimed at a laudable distinction in the state, at a time when there were such limited channels for the exertion of active talent, perceived themselves deprived of a generous field of ambition, and were naturally inclined to discontent. Prior to the union of the crowns the power of the aristocracy was no less injurious to the body of the people, than to the pretensions of the crown. The resources of England enabled James to abridge their influence; but as men are seldom disposed to part with power, the consequence on their feelings need not be described. Had the British monarch, however, merely directed his measures to that end, he might have gained the support of the people, as he would have deserved the approbation of posterity; but he only aimed at lessening the aristocratic power, as it clashed with his own, leaving the people still naked of protection, while his religious innovations, with many of his civil—in a word, his undisguised desire to have the command of the persons and property of his subjects, 'without process of the common law,' begot an hostility in all ranks. They who sincerely clang to the church-policy and the established worship, to which they had sworn, for their own sake; they who were in some measure attached to the system from the opportunity which it afforded of a theatre in the General

* See Weldon, p. 57, regarding the feelings of the English towards the Scots in consequence of their

obtaining offices, &c. on the south of the Tweed.

Assembly for a display of popular ability, and the Presbyterian clergy, whose interest and piety tended to the same object, all concurred in an abhorrence of the changes introduced and the tyranny with which they were enforced. Nor could any man who loved his country behold with indifference the real subversion of the legislature, and the erection of new courts destructive of the general security in the law.*

But there were other circumstances which sank deep into the breasts of the aristocracy. The prelates, since their late introduction to parliament, had, through the extraordinary institution of the Lords of the Articles, in reality obtained the command of the legislature; and to exalt them more, some great civil offices were bestowed upon ecclesiastics, which still farther contracted the sphere of ambition for the laity, while the nobles early apprehended that the establishment of the episcopacy would lead to the recovery of the church lands and the revocation of tithes, in order to support the prelates in becoming state. Their fears were realized on the accession of Charles: a general revocation was published; the pulpit began to resound with the indignant cry of the clergy at withholding the church's patrimony; and the Earl Nithisdale was sent down as the king's commissioner to promote the object. The circumstance threatened to be productive of the most alarming consequences. The nobles were prepared to sacrifice the council, as well as the commissioner, to their resentment. It may afford some idea of their feelings, and of the manners of the people, to mention, that at a convention of the estates, where the revocation was proposed, Lord Belhaven, then old and blind, got himself seated next to the Earl of Dumfries, whom he grasped hard with one hand, as if to support his weakness, while with the other he secretly clutched a dagger to plunge into his breast on the first

The act of
revocation
of church
lands and
tithes, &c.

* See Vol. I., chapter relative to Scotland. Also Row's *MS. Hist.* p. 223, Adv. Lib.

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commotion. Intimation of the general feeling was immediately conveyed to court, and the prince, abandoning a course clearly impracticable, adopted another, which, though it has been productive of the most beneficial effects, was not calculated to conciliate the nobility, while the manner of carrying it into execution is apparently inconsistent with constitutional principles.

The original grants to the nobles had been grossly illegal: before the lands and tithes were legally transferred to the crown, they were bestowed upon favourites, and many gifts had proceeded from religious houses and bishops, who had no title to convey property over which their right was merely of a temporary nature. But even if the lands and tithes had been vested in the crown, there was no bar in law to prevent one prince from recalling what his predecessor had alienated from the royal patrimony. In this case, however, the gifts had all been ratified by the legislature, and, notwithstanding a quibble, even by the act which annexed the temporalities to the crown. Hence it seems revolting to our notions, for the sovereign to recal, *ex mero motu*, what had been so solemnly transferred; yet the course even latterly adopted by Charles involved that conclusion.* The manner in which the act of revocation was ratified by the parliament with the subsequent proceedings, as will be seen in the sequel, still farther alarmed the aristocracy.

Tithes *upon industry* are contrary to the first principles of justice; but of those upon land the footing is very different. In all transactions relative to the soil, everyone knows the terms upon which he enters into them. The law which protects the owner in his property, gives it to him under a certain condition or burthen; and it would be equally preposterous for the purchaser of an estate, burthened with mortgages—consequently bought under that deduction—to complain of the hardship of

* Burnet's *Memorials of the Hanoverians*, p. 38 *et seq.*; *History of His*

Own Times, vol. i. p. 20; Forbes on *Tithes*, and Connel.

paying other people's debts, as for the landowner to complain of tithes. Yet nothing is more common than to hear people, who are scarcely warm in their possessions—possessions that they never could have bought, had it not been for the burthen of tithes—complain that the parsons take from them so much they have little to themselves.* Where, indeed, agricultural improvements are projected, tithes are hurtful, because the clergyman derives part of the outlay in the shape of produce. But, as in the common case, there is no hardship, so might a remedy for this be provided without injuring the rights of parties. The Romish clergy did not escape the general grudge at their exactions, though an expenditure on agricultural improvement was incompatible with the state of society; and as the tithes were, at the Reformation, when taken from the church, instead of being consolidated with the right to the soil, transferred to the great aristocracy, who, under the name of titulars, exacted them with a rigour to which the people had never been exposed from the Catholic clergy, the result was a dependence of smaller proprietors upon the titulars, which, engendering rancorous passions, was frequently productive of the most deplorable consequences. The plan latterly adopted, and which was expressly declared to flow from a resolution to prevent that dependency on subjects, was therefore to insist, under a threat of revocation, that the titulars should, on certain terms, dispose of their rights to tithes to the respective proprietors, or, as they were called, heritors, from whose estates they were exigible. The terms were, that the lands should be valued, and the tithes be estimated at a fifth of the rent; and that the heritors should obtain them at ten years' purchase, or accumulation, then a reasonable rate,

* This is clearly stated by Swift, vol. iii. p. 190, Nichol's ed. He justly remarks, that the title of the clergy to tithes is older than any

man's to his estate. This was a more politic ground to advance than that of divine right.

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allowing an adequate deduction for the value of leases which they might hold, a modicum for the support of the parochial clergyman, &c., and a tax of six per cent. to the king. Obstructions were, in the first instance, thrown in the way of this arrangement; but these were surmounted by rigorous measures, the parties being obliged to submit their differences to the crown; and, though at the outset, the measure produced discontent amongst the nobility,* it proceeded even during the interregnum. But it could not fail to occur to all parties that, on the same principle that Charles, *ex mero motu*, set aside the authority of royal grants and parliamentary ratifications, in order to promote his views, he might afterwards, for the purpose of restoring the patrimony of the church, wrest the tithes from the heritors, whose situation rendered them incapable of a vigorous resistance. Such a pious undertaking must have been encouraged by his arch-adviser, Laud, whose zeal in regard to tithes induced him to prosecute Selden in the High Commission, for denying them to be of divine origin. What heaven had commanded to be set apart for the church, no human act could lawfully deprive her of. Another part of the plan regarded the church-lands, which had been engrossed by the nobles, under the title of Lords of Election, so that the new prelacy were left without adequate livings. The plan was, that the superiorities of these lands should be transferred to the crown, at a reasonable composition, and new rights be granted, that, out of the feudal casualties thence arising, there might be a fund of augmentation for the bishops.†

— The arrangement, in regard to tithes, ought to have raised up a party to counterpoise the great aristocracy;

* The clergy seem to have been also displeased at a measure calculated to deprive them for ever of the church patrimony (Baillie, *MS.* vol. i. p. 6).

† Forbes on *Tithes*; and Connel.

Also a collection of documents in Advocate's Lib., which I presume are the *MS.* treatise quoted by Mr. Laing—I can find no other. Statutes in 1633.

but, whether from the high rate of the purchase, and the pecuniary difficulties into which it plunged them; whether from an idea of insecurity in the acquisition, or general abhorrence at the civil and ecclesiastical innovations which accompanied the measure, no such consequence flowed from it. Indeed, at first a deputation was sent from the barons (tenants of the crown, or proprietors of land), to state to his majesty that 'they were not hurt in their tiends (tithes) by the nobilitie who were agreeing for themselves;' but it soon afterwards proceeded with some rapidity.*

Though James had penetration enough, when he visited Scotland in 1617, to perceive the fatal effects that must be produced by following the advice of Laud, to obtrude farther innovation on the Scottish church, he departed from that wise policy in his old age, and was prevented only by death from attempting a greater change by persecution. Charles, who conceived that his scheme for reducing the whole of his dominions to an ecclesiastical system compatible with his ideas of monarchical government, could never be completely successful while Scotland operated as an example to his English subjects to persist in nonconformity, and who imagined that he might attempt, in that country, what would still be

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affairs.

* Row's *MS. Hist.* p. 232, year 1625; p. 234, year 1627. Mr. Laing would have had the tithes 'gratuitously *restored* to the landholders;' but I do not know the meaning of the word *restored* in this place; for when had they belonged to the landowners? Not one of them surely could ever trace his right to anything like the period when tithes were first given to the church. The heritors held their lands under the burthen of tithes; and whatever might have been said about the claim of the clergy, it would have been, in my humble opinion, most unjust, nay, a revolutionary measure, striking at the root of property, to have taken the right from the titulars, which

had been ratified by parliament, and confirmed by such a length of time, and transferred it to the landowners. As to the policy of the measure, in regard to attaching the heritors to the crown in opposition to the nobility, it may be equally doubted. The nobility, who were the most powerful, would have been alienated; and it would not have been difficult to persuade the heritors that they were merely used as a convenient medium for ultimately recovering the whole to the church: that after they were detached from the nobility, the latter would support such a step to humble them, and that then they would be incapable of resistance.

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premature on the south of the Tweed, determined to proceed in the plan of innovation with a higher hand. Laud became the supreme director of ecclesiastical affairs, and new bishops in the north were still more eager than their predecessors, or older brethren, to signalise themselves in advancing the authority of their order, and to obtain the favour of their prince by completing his plans. The first innovators, when opposed by the popular voice, generally proceed with some degree of caution, because, however ready to sacrifice their principles to their ambition, they retain a sense of the difficulties to be encountered, and are hampered by the prejudices of their youth : But their successors, if equally unprincipled, as they have imbibed only the spirit of change, are superior to such feelings, and becoming insensible to consequences, by the hope of aggrandisement, drive matters to extremity. Thus it happened in Scotland : the younger bishops were preferred by Charles, not as formerly, by the recommendation of their seniors, but through their interest at court ; and chiefly through the recommendation of Laud, who was naturally guided in his choice by their supposed aptitude to carry through his grand designs. These men, kept apart from their seniors, and by their influence with the English primate, prevailed, by his mediation, on the king to prescribe rules to the older bishops, which they reluctantly acceded to ; while these junior prelates slighted the ordinary clergy, as attached to the Presbyterian government, and thus heightened the popular discontent.*

Shortly after his accession, Charles published a severe proclamation against recusants ; and the Presbyterians, who adhered to that religion which they had sworn to with the late king, had the mortification to perceive themselves ranked with Papists, a body then held by Protestants in such abhorrence. But they still so stoutly resisted

* Guthry, p. 13 *et seq.* ; Burnet's *Memoirs of the Hamiltons*, p. 29, 30.

the ceremonies introduced by the five articles of Perth, that, when in the year 1625, the sacrament was dispensed in Edinburgh on *pasche-day*, or Easter Sunday, only six or seven people knelt. In the year 1627 (whether there was one in 1626 does not appear), there was no communion in consequence of the popular dislike to kneel, and a letter was dispatched to Charles praying for a relaxation of the ceremonies : but he, far from listening to the prayers of his people, declared himself exceedingly offended at their presumption, ordered the punishment of the ringleaders, and more rigorously enforced the ceremonies. The people were, however, inflexible : the sacrament was either not dispensed at all, or then with the greatest confusion. The Presbyterian preachers were heard with reverence, the Episcopal with contempt and detestation ; and the folly of the latter, not to give it a harsher name, merited no better treatment. One uttered from the pulpit bitter execrations against those who did not keep *Yoole*, or Christmas Day ; another, a prelate, too, preached about the divine calling of bishops. In the proceedings in the sister kingdom, as well as in Ireland, the people descried the approaching storm. The cruel persecution of Leighton appears to have spread dismay, and together with the attempt to suppress his book, made that book be read with uncommon avidity. The removal of Scottish ministers from their livings in Ireland augured, too, no favourable intention towards Scotland.*

Matters were in this position when Charles, in the year

* Guthry, p. 13 ; Row's *MS. Hist.* ; Balmerino's *Ditty*, in *State Trials*, vol. iii. p. 605. The following is a curious letter from Mr. J. Mede, fellow of Christ's College, Cambridge, to Sir M. Sackville, dated 16th May, 1628 : ' The Saturday before the Monday the last week, it is said my lord chancellor of Scotland delivered a bold message to the king, as from the nobility and commons of that kingdom, viz. that they had been informed his

majesty intended to annul the liberties of the English nation ; and that seeing their privileges were the very same, and that they served the same master, they looked for the same measure, and would lose their last drop of blood rather than their liberties. He advised his majesty to follow the advice of the parliament, which, if he should once more dissolve, he would hazard the loss of his kingdom' (*Aysc. MSS. Brit. Mus. No. 4161*).

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Charles
visits Scot-
land, 1633.

1633, visited his native country. Joy was universally diffused at his approach.* The remembrance of former times of glory to their nation was revived, and men ascribed to their prince the qualities which they wished, not such as his previous measures had betrayed. The joy, however, vanished, and was succeeded by a very opposite feeling, when they discovered that his object in visiting his native country was, not to redress their grievances, but to increase them by subverting their civil constitution, and by introducing farther violent changes in that species of worship and religious establishment to which they were so zealously devoted. The coronation as king of Scotland was of itself calculated to inspire the highest transport in an affectionate people; but, as if this unfortunate prince had hugged the opportunity to insult the fondest feelings of his subjects, and blight every hope, ceremonies savouring of Popery were exhibited. The scene is well described by a cotemporary warm advocate for prelacy and the royal cause. ‘The Archbishop of St. Andrew’s, the Bishops of Moray, Dunkeld, Ross, Dunblane, and Brechin served about the coronation (which was done by the said Bishop of Brechin) with whyt rochetis and whyt sleives, and loops of gold haveing blue silk to thir foot. Now was remarked that ther was ane four neucked taffil in manner of ane altar, standing within the kirk, haveing standing ther upon two books, at least resembleing clasped books, called blind books, with two chandlers and two wax candles, whilk were unlight, and ane bason, wherein ther was nothing. At the back of this altar (covered with tapestrie), ther was ane rich tapestrie, wherein the crucifix was curiously wrought; and as thir bishops, who was in service, passed by this crucifix, they were sein to bow thir knee and beck, which, with thir habit, was noted, and bred greate fear of inbringing of Popery.’†

* Clarendon vol. i. p. 137 *et seq.*

† Spalding, vol. i. p. 17. Laud

violently thrust the Archbishop of Glasgow aside, because, from an aver-

The extraordinary institution of the Lords of the Articles has already been described. The whole nomination was, particularly after the act 1609, in effect centred in the bishops, who, being again wholly dependent on the throne, culled out such members from the other estates as were alike suitable to their own and their master's designs. But Charles even availed himself of the act 1594, by which a member from each estate was to be summoned, of course by the king himself, to consider the bills before they were even presented to the Lords of Articles: and being well aware that, by all these measures, parliament was reduced to the situation of a clumsy engine, for ratifying what had been previously resolved on by himself, he sat many hours in close and deep consultation with the Lords of the Articles. Besides, the nobles were even precluded from presenting articles to the lords who sat on them, or giving advice.* His object was to obtain the sanction of the legislature for farther inroads upon the few remaining civil privileges of his subjects, and for the total subversion of the present worship, as well as of the remaining vestiges of the Presbyterian polity. Many baneful acts were passed; but there were three in particular which struck the greatest terror, and were deemed the most important. The first confirmed a power arrogated by the king to alter the habits or apparel of churchmen. The second ratified all former acts about religion, which implied a most extensive power. The last confirmed the general revocation formerly issued, of tithes and church lands. Whether Charles had fully

Acts
passed by
the Scot-
tish parlia-
ment, &c.

sion to incense the people, he had appeared without the habit prescribed for his spiritual function, and substituted the Bishop of Ross, exclaiming, 'Are you a churchman, and want the coat of your order?' (Rush. vol. ii. p. 182; *State Trials*, vol. iii. p. 605; Balmerino's *Ditty*.)

* *State Trials*, vol. iii. pp. 606, 607; Balfour's *Annals*, vol. ii. p. 67 *et seq.*

See also as to this subject, Vol. I. Ch. IV.; Cowper's *Apologetical Letter*. He says that the bishops were named by the chancellor, and they again nominated the nobles, some of them Papists. A list of the barons (freeholders) and burgesses was given in by the king. See Lord Hailes' publication of *Letters* in this reign, p. 47.

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resolved to persist in his bold scheme for recovering the patrimony of the church out of lay hands, or only intended that it should impend over the heads of the nobility to force them into submission to other measures, as in regard to religion, to the sale of tithes, and to resigning superiorities, and even part of the lands on easy terms, that a provision might be made for the present prelacy, and even for mitred abbots, the restoration of which was part of his plan, may be questioned. The first object has been imputed to him by high authority: the clergy anticipated it, and the aristocracy were alarmed.*

At first sight it appears unaccountable how any parliament should have passed acts which were even destructive of the rights of the members themselves; but the difficulty vanishes on a closer inspection. As, after the union of the crowns, Scotsmen were advanced to English honours, so many Englishmen were created peers of Scotland who did not hold one foot of land in that kingdom. From these Charles obtained many proxies, and as the Peers and Commons all sat and voted together, these were of immense consequence to the king. Then there were the officers of state, and many of the Scotch nobility themselves, who, having ruined themselves in England, were wholly dependent on the royal bounty. The act about the apparel of the clergy was purposely blended with another which recognised the prerogative, that opposition to the one might be accompanied with the appearance of resisting the other, to which few were at this time inclined on principle, and to which it would have been imprudent to have objected; moreover, all matters were passed precipitately in one day without the colour of a debate, in so much that when Lord Melville, now far advanced in life, stood up and exclaimed to the king, who

* Balfour's *Annals*, MS.; Burnet's *Hist. of his Own Times*, vol. i. p. 16, 34 et seq. This author informs us that Sir Thomas Hope, the king's advo-

cate, undertook to recover the lands for the crown, but had not been sincere (*Memoirs of the Hamiltons*, p. 30).

attended in person, 'I have sworn with your father, and the whole kingdom, to the Confession of Faith, in which the innovations intended by these articles were solemnly abjured'—his majesty, though he was disconcerted, and even retired for an instant, soon returned and commanded them not to deliberate but to vote. To such a contemptible pageant of state did he reduce the legislature, that, acting the part of clerk himself, he wrote down the several names as they were called, and said, 'I shall know to-day who shall do me service.' Yet all these arts were insufficient to command a majority: It was generally thought and declared, that the votes preponderated on the popular side, and that the clerk-register made a false return. The Earl of Rothes, who durst not have ventured so far without some just ground, started from his chair and quarreled the clerk on the spot. But Charles instantly commanded him to be silent, or else to substantiate the charge, which amounted to treason, on the peril of his life. Rothes, knowing the insurmountable obstacles to a conviction of the offender in such evil days, when the whole influence of the crown would be interposed in his favour, and aware that, according to the principles then recognised, he should involve himself in a capital crime by a failure, prudently obeyed the mandate to be silent.*

Such arbitrary measures, such a determined purpose to overturn the established religion, bred a distrust in every mind. Charles left Scotland discontented, and the dissenting part of the aristocracy soon perceived, by their marked proscription from favour, that their names had not been taken down in vain.† To remove the royal

* Row's *MS. Hist.* p. 250; Cowper's *Apologetical Letter*, MS.; Rob. iii. 2-13; Adv. Lib. Balfour's *Annals*, MS. p. 60 *et seq.*; Rush. vol. ii. p. 183; Burnet's *Hist.* p. 22; Petition in Balmerino's *Ditty, State Trials*; *Large Declaration*, pp. 11, 12. Mr. Laing says that Charles, in this, rather evaded than disowned the

charge of a false return; but it is positively denied in the strongest terms.

† Clar. *Hist.* vol. i. p. 80, 81, 103. Charles would not speak to Rothes and others in court. This author's account of Scottish affairs is generally incorrect. His prejudice against that people is unbounded, and it is

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prejudice, and, if possible, to obtain some mitigation of the obnoxious acts, a petition was prepared by one Haig an advocate, to be subscribed by the nobles and presented to the throne. But, before proceeding to present the petition, which, in those days, was deemed a bold step, it was conceived to be advisable to intimate their purpose, and Charles so severely checked the Earl of Rothes, and so hotly commanded that the measure should be dropt, that it was instantly abandoned. The sequel affords an instance of an abuse of power, and of misgovernment almost unparalleled. The measures happened to be the topic of conversation between the Lord Balmerino, who had hitherto led a very retired life, and a confidential man of business, a writer or notary, whom he patronised ; and when the latter had expressed his astonishment that no petition had been presented against the unfair proceedings in parliament, his lordship, having laid a strict injunction of secresy, exhibited a draft of that just alluded to. Pleased with the production, the notary unfortunately conceived that he might, without any great breach of trust, secretly take a copy ; and with an imprudence still more exceptionable, he permitted the secret to be wormed out of him by one Hay of Naughton, who, unknown to him, was Balmerino's enemy. Hay, elated with the opportunity of vengeance, communicated the circumstance to Archbishop Spottiswoode, who posted to court, and represented that this petition contained libellous matter, and had been industriously circulated to stir up sedition.* That a pernicious libel may make its appearance under the form of a petition, either to the king or the parliament, may be admitted, and as this was composed with spirit, it would not have accorded with

remarkable that he ascribes all the opposition to the laxity of government in not obtruding the innovations at once. The effect of his principles, when he got power, was bitterly felt by that nation, and ne-

cessarily defeated its object ; but experience passes over some men's heads in vain (*Large Declaration*, p. 11).

* Guthry, pp. 10-12 ; Row's *MS. Hist.* pp. 258-262.

the usual current of the administration to have permitted any censure of public measures to pass unpunished in this shape more than in another. Yet, as the slightest examination proved the falseness of the archbishop's report, the petition, which was not composed by Balmerino, having neither been published, nor intended for publication, but abandoned, the instant the king's sentiments about receiving it were known, and afterwards merely shown to a friend in confidence, who had imprudently (he does not appear to have acted from a treacherous motive) revealed it to an individual who had taken a perfidious advantage of the circumstance,—the government which could, on such a ground, strike at the nobleman's life, had reached, almost, the last stage of despotism. But Charles and his ministers had expected the cordial support of Balmerino to all the public measures meditated, and his opposition as a statesman in parliament, to the late enactments, made them ready to sacrifice him on any ground.

Balmerino's father had been condemned as a traitor in the preceding reign, but pardoned and restored to his blood and estate; and it was imagined that this ought to have bound the son in such indissoluble ties of gratitude to the throne, as to advance all its schemes; but he probably thought, with his father, that he had more cause to complain of injustice in the prosecution, than to be grateful for a remission of the sentence. During the late king's intrigues for the English crown, he had been anxious to secure the assistance of the pope in the attainment of his object, and a letter with his signature had, in the prosecution of his schemes, been dispatched to Clement VIII. The policy was dangerous, since the discovery of it was calculated to inspire every Protestant with apprehension, and concealment was almost impracticable. But in this instance the policy seemed to be justified by successful secresy. Elizabeth, indeed, whose vigilance nothing escaped, had got a surmise of the affair; but a

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steady denial by James made it be disbelieved and forgotten. Afterwards, however, Cardinal Bellarmine, provoked as well by the controversial writings of the British king as by the disappointment of Catholics in that monarch's reign, though James went as far as he durst, published this letter as a proof, either of that prince's insincerity or apostasy, and the publication roused that jealousy in Protestants, for which it was intended. In his own justification, James denied all knowledge of the circumstance, and imputed it to the treachery of Balmerino, his secretary, who must have taken advantage of a misplaced confidence to procure the signature to a document of which the monarch did not suspect the existence. The event afforded a well founded triumph to Balmerino's enemies, Cecil, Spottiswoode, Dunbar, and others, who urged it to his ruin. He declares in his narrative, and, as he appeals to the Lords Burleigh, Lennox, and some others, for its truth, we can scarcely refuse him credit, especially when we collate this with other parts of James's conduct, that the king both knew and approved of the letter; but that he (Balmerino) was prevailed on by solicitations, promises, &c., to acknowledge the whole guilt of the transaction, saying that his majesty's subscription had been surreptitiously obtained, by thrusting this letter amongst others, which had been prepared for the royal signature: he added, (and it is charitable to believe it,) that he had been actuated by no criminal purpose, or enmity to the established religion, but merely by a mistaken idea of promoting his master's accession to the English throne. On this confession he was condemned as a traitor; but the sentence was remitted, and himself restored alike to his estate and blood. He survived his disgrace two years.*

After his father's fall, Balmerino the son, whose case we now relate, lived much in retirement; conduct which,

* *State Trials*; Balmerino's *Nar.* *et seq.*, and vii. p. 215 *et seq.*; Howell's *State Trials*; Laing.

most likely, occasioned a misconception of his character ; for nothing is more common than to attribute that to a subdued spirit, which in reality proceeds from the intense feelings of an indignant one ; and the disappointment of their hopes from him induced Charles, and his ministers and clergy, to concur in making him an example to deter others from opposition to the court.

The laws about *leasing making* in Scotland, or spreading false reports about the king and his government, or not giving immediate information against the author, inferred a capital punishment, and were remarkably loose. The petition alluded to was therefore easily converted into ‘a most devilish and pestilential libel, which depraved the laws, and misconstrued the government, containing reproaches, most villainously and despitefully belcht and vomited forth against God’s lieutenant on earth, by the cursed and unhappy libeller, as a venomous wasp ; a libel that infected the very air, so that it was to be wondered any person should degenerate into so monstrous a contempt of the government, as to dare and presume to think upon, much less to speak and write ; a cockatrice that all good subjects should have crushed in the egg.’ Haig, the author, fled the instant he heard of the apprehension of Balmerino, but addressed a letter from Holland owning the performance. The accused, however, had failed to crush the cockatrice in the egg, indeed his own accession to it was manifest, and therefore he was exposed to all the influence and sinister arts of government. He admitted having approved of the petition as a whole, but added, that he had disliked some particular expressions, and, therefore, had softened them with his own hand.

A peer in Scotland was at that time subject, like a commoner, to the cognisance of the criminal court, and the verdict of a jury, provided the majority were of his own order. Three assessors to the justice-general were, in this instance, nominated by the Court of Session—Learmonth, one of their number, Spottiswoode their

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20, 1634.

president, the second son of the archbishop, who had originally instigated the prosecution, and still fomented it with all the rage of unhallowed ambition, which feels a clog, or dreads a fall; and lastly, Hay, the clerk register, of whom the petition complained, for an unfair return of the votes at the last parliament. Balmerino objected to this individual as one of his judges; *1st*, Because he had been a member of the particular committee, appointed for the examination of the prisoner, and before whom, accordingly, he had repeatedly been brought: *2dly*, Because he had been consulted with, and had given his advice about the trial. The first objection was overruled; the last was referred to Hay's judicial declaration, and as that was negative of the charge, Balmerino was obliged to withdraw his dissent. The relevancy of the indictment was denied in a very able argument for the prisoner; but when men are resolved upon injustice, under the colour of law, they seldom search in vain for the pretext they require, and the objections were overruled.

Every art to pack a jury was resorted to. The list of jurors being returned by the clerk, who was a tool of government, he took care to give in those who could be most depended on; the presiding judge who chose the fifteen, a majority of whom determined the prisoner's fate, selected such as he conceived most calculated for the business; and, while the peremptory challenge is unknown to the criminal code of Scotland, the strongest objections to jurors were disregarded. Lord Traquair, the treasurer, against whom every objection was overruled, was nominated, and became chancellor, or foreman of the jury; and yet, with all these advantages for the crown, such was the iniquity of the case, that the nobleman was only convicted by the casting vote of Traquair, whose ill-directed talents and address, united with the influence of the crown, prevailed upon seven to join him. A moving incident occurred after the jury were enclosed, to deliberate upon their verdict. Gordon of Buckie, now in ex-

treme old age, who had in the preceding century been concerned in a crime which James himself did not pass unsuspected of having instigated, was, from the part he had acted on that occasion, and the pardon he had received from James, now relied on as an apt instrument for the destruction of Balmerino. It was far otherwise. He implored his fellow jurors, in the most pathetic terms, to reflect that the life of an innocent nobleman, whose death would lie heavy on them, was now at stake; remarking that his own hands had once been imbrued in blood, (while he alluded to his crime, the tears that streamed down his cheeks evinced his penitence for it,) and that though he had obtained a pardon from his sovereign, it had cost him many a sorrowful day and night to obtain a remission also from his conscience. Every one seemed subdued by this address except Traquair, who, resuming the argument, told them that it was not their province to consider the innocence or guilt of the prisoner's intention; that the court had pronounced a judgment of relevancy regarding the seditious tendency of the petition; and that their duty, which was as simple as the fact was indisputable, was merely to say whether or not Balmerino knew of the writing founded on. After a long debate, seven voted him guilty, and Traquair's own vote settled the verdict. Sentence of death was immediately pronounced—a sentence which, instead of overpowering the prisoner, only excited a smile at the malice of his enemies. But, to the great chagrin of the prelates, the execution was suspended.*

March 20,
1635.

As the prelates thirsted for this nobleman's life, so the people were most anxious for his safety. They daily assembled tumultuously in the streets, praying aloud for his preservation, applauding the exertions of his friends, and imprecating curses upon his enemies. Nay, they meditated the most desperate measures for his safety, for

* *State Trials*; Burnet's *Hist.*; Balfour's *Annals*; Row.

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which many secret consultations were held; and, in the event of failing, they determined to revenge his death upon his judges, and those of the jury who voted him guilty. One party was prepared to fire their houses; another to massacre them all. This having transpired, saved Balmerino. Traquair, whom the people had devoted to destruction, trembling for his own life, hastened to court, and recommended a pardon. That was yet withheld; but a respite, which was deemed the forerunner of one, was dispatched to Scotland, and diffused universal joy. It was, however, only after a tedious and unusually cruel confinement of thirteen months, that Balmerino was made a prisoner at large, on condition of his confining himself within certain bounds; and a considerable time after that elapsed before he received a final pardon. The merit of the pardon was by some ascribed to the lenity of Laud, by others to the royal clemency.*

Before proceeding to detail the consequences of this unjustifiable trial, which in regard even to the advancement of the prerogative was impolitic, we shall introduce a short account of Traquair, who acted so conspicuous a part on the present occasion, though still a greater in the ensuing troubles. From a private gentleman of the name of Stuart, he, by intrigue and unprincipled perseverance joined to considerable talent, raised himself, under the patronage of Laud, to the rank of an earl, and of secretary of state, and finally of lord treasurer. But he afterwards suffered a merited, yet lamentable, reverse of fortune. Burnet informs us that himself saw that earl and his family destitute of bread, and that he was reported to have died of hunger.†

This prosecution was productive of very opposite effects from those anticipated. Instead of subduing, it awakened

* Row ascribes it to Laud, pp. 263, 264, 265; Balfour's *Annals*, p. 80 *et seq.*

† Heylin's *Life of Laud*, p. 349; Burnet's *Hist.* pp. 22, 23. Those

who desire to see another instance of this nobleman's ingratitude and baseness may consult Balfour's *Annals*, p. 84.

the national spirit, and greatly contributed to the subsequent convulsions. The gross corruption of courts of justice, and the powers arrogated by the privy council of judging both in civil and criminal matters, made men sensible of the small security afforded by the laws. So striking an instance of injustice came home to every breast; and, while all who had voted in parliament against the late statutes, and had been since under the royal displeasure, perceived in such a proceeding the forerunner of oppression to themselves, the act of revocation, though the measures hitherto pursued on it were beneficial to the community, and did not hurt the patrimonial interest of the possessors of church property, taught men to reflect upon the precarious nature of their tenures. Whether, as we have observed, Charles still persisted in his purpose of revoking the grants, may be pronounced uncertain; but all who enjoyed that species of property took the alarm, and an attempt to re-establish mitred abbots in the place of the lords of erection, which ecclesiastics expected would be accomplished with all the revenue belonging to them, confirmed their fears.* With that view, the abbey of Aberbroath was recovered from the Hamilton family, and the lordship of Glasgow from the Duke of Lennox: the first was bestowed upon the Archbishop of St. Andrew's, the last upon the Archbishop of Glasgow. Though these were recovered to the crown at their full value, and the spirit with which the Marquis of Hamilton parted with his property evinced

* See what is said in the *Large Declaration* on this subject, p. 6 *et seq.*; Burnet's *Hist.* vol. i. p. 23; *Memorials of the Hamiltons*, p. 30; Spalding, vol. i. p. 45 *et seq.*; Balfour's *Annals*, p. 60; Guthry, p. 13; Gordon of Straloch's *MS.*; Jac. v. p. 4, *Adv. Lib.*; Row, p. 264. This author informs us that it was reported bishops were to be provided to abbeys, and that the gifts had passed the seals, but were stopped by Traquair.

This was charged against Laud (see the Scotch charge in the account of his trial, by Prynne, and in Rush. vol. iv. p. 114, and in Nalson, vol. i. p. 681; Laud's *Troubles*, p. 95; see a very curious letter amongst extracts from the original papers of Robert, 2nd Earl of Leicester, Sat. Sept. 17, 1738, about a *signature* for recalling church lands and tithes; Aysc. *MS.* Brit. Mus. No. 4161).

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the feelings that pervaded the Scotch aristocracy, the restitution was designedly reputed to be a gratuitous mark of piety worthy of imitation. One Learmonth too was created abbot of Lindoris; and negotiations were set on foot for the abbey of Kelso and others.*

Edinburgh, which had formerly been comprehended in the see of St. Andrew's, was now erected into a bishopric, which extended from the Forth to the Eastern Borders.

As the ecclesiastical party had been supreme in the late parliament, so every measure of government seemed fraught with some design to exalt the clergy at the expense of the aristocracy. Spottiswoode, archbishop of St. Andrew's, whose influence had obtained for his son the presidentship of the Court of Session, was himself created chancellor, the first who had held that place from the Reformation. Some were lords of exchequer, and nine out of fourteen were members of the privy council, where they prevailed in all questions, and insulted the proudest nobles. It was in agitation to confer the treasurership upon Maxwell, bishop of Ross, the most servile tool of Laud, and the ablest to render him service. Other gainful offices were held by them, and churchmen were, everywhere, created justices of peace, a situation which the Presbyterian ministers declined as incompatible with their function. Nay, it was seriously intended to fill up one-half of the supreme court with ecclesiastics, according to the original institution of that tribunal. Besides all these advantages, they were masters of the high commission, a court erected without a pretext of law, and they procured warrants from the king to institute subordinate commissions in every diocese with inquisitorial powers—a measure partially carried into execution, and calculated to crush at once the Presbyterian clergy. Thus, not only was the field of ambition for the laity daily more and more circumscribed, and the Presbyterian clergy despoiled,

* Burnet's *Memorials of the Duke of Hamilton*, p. 30; *Hist. of his Own Times*, vol. i. p. 34 *et seq.*; Clarendon, vol. i. p. 152 *et seq.*

but the community at large threatened with subjection to the hierarchy, who fine and imprison gentlemen of quality. Their infringement of public rights was indeed gradual, but though this prudence, in some degree, lulled the general jealousy, matters soon became intolerable.* To have expected satisfaction in the high classes, whose religious propensities all inclined towards the old establishment and worship, would have been to calculate upon a new phenomenon in nature. But as if the prelates longed for the opportunity to triumph with all the officiousness of upstart insolence, they so abused the royal favour as to make the proudest nobles sensible of their power. One instance will suffice. Lord Lorne, afterwards the famous marquis of Argyle, complained one day at the council of Sydserf, bishop of Galloway, having, in his subordinate commission court, imposed a fine upon one of Lorne's friends, for disobedience to the injunction to kneel at the sacrament, which the individual in question called idolatrous: Sydserf, though the charge was well-founded, directly gave that lord the lie, before the whole council, a circumstance which offended all present, and wounded the pride of the nobility.†

In this way there were the strongest grounds for discontent, independently of religious sentiments; but the injury done to the last, kindled a general flame throughout the kingdom. The Arminian tenets were studiously introduced, with the object, as it was alleged, of trying the temper of the nation, and preparing it for the other grand innovations which had been resolved upon.

* Balfour's *Annals*, MS. p. 85; Spalding, vol. i. p. 45 *et seq.*; Guthrie, pp. 13, 14, 16; Clarendon, vol. i. p. 137 *et seq.*, and Append. A, p. 183 *et seq.*; Burnet's *Memoirs of the Duke of Hamilton*, p. 30; Rush. vol. ii. p. 386; MS. Adv. Lib.; Rob. iii. 1, 2; *Account of the Introduction of the Service Book*, Row's MS. pp. 263, 264; *Hist. Inf. MS.* Adv. Lib. pp. 1, 2. The caveats passed in the early assemblies of James were

omitted in the late statute. May, p. 30; Baillie's *Let. and Journ.* vol. i. pp. 1 *et seq.*, 5 *et seq.*

† Clarendon, vol. i. pp. 152-156, and Append. A, p. 183 *et seq.*; Spalding, vol. i, p. 45 *et seq.*; Baillie's *Let.* vol. i. p. 3. It is said that Lorne instigated the other in his contumacy. This proves, amongst many other things, that Lorne was uniform in his conduct.

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The new prelate of Edinburgh, who had received his education at Cambridge, and been selected for his principles, (such men only were advanced,) anxious to testify his aptitude for the place, and gratitude for the gift, insulted the popular feelings in St. Giles's Church, which was converted into a cathedral, by language that imported transubstantiation, though he wisely suppressed the word; and by telling his audience that they were bound to believe whatever was taught from the pulpit, as the preacher was alone responsible for unsound doctrine. His opinions regarding Catholics, though abstractly charitable and humane, were imprudently introduced; he maintained that the pope was not antichrist, and that papists might be saved. Considering how the intention of forcing the nation back into the Romish principles was apprehended, it must be conceded that the liberality was ill-timed. The more immaterial the points of difference, the more liberal and enlightened the ruling party, the less apology was there for violently obtruding innovations upon that people. After the king's departure, the English service, with all the new pomp and ceremony, was ordered to be used in the royal chapel; and because Bellenden, the bishop of Dunblane, dreading the consequences of the popular indignation, did not punctually obey the mandate, he incurred displeasure, and lost the chance of preferment.*

While the kingdom groaned under the load of such accumulated oppression, and so many causes of discontent existed, it required only some common bond of union, in all classes, to raise a spirit of insurrection; and that was afforded by the introduction of ecclesiastical canons and a

* Row's *MS.* pp. 253, 254; *Hist. Information*, *MS.* pp. 2, 3; Clarendon, vol. i. p. 137 *et seq.* See M. 6, 10; *MS. Adv. Lib. King's Letter*, Oct. 12, 1633; 2nd, *Laud's Letters*, No. 13, Jan. 1634; No. 14, May 6, 1634; No. 16, July 1634; No. 19, May 19, 1635. These four last are published by Hailes (see also pp. 1, 2 of that

publication). It would appear that the judges and other members of the college of justice had declined to obey the injunction to receive the sacrament kneeling at the royal chapel, and Charles sent down a most peremptory order (*Introduction to Laud's Trial*, p. 148 *et seq.*).

liturgy, without the sanction of the legislature, or even of the church. At the packed assembly, which was held at Aberdeen, in the year 1616, where measures were necessarily carried for the crown, it had been resolved that it was expedient to have uniformity of church government throughout the kingdom, and it was ordained that a book of canons, compiled from the books of previous assemblies, and, where these were defective, from the canons and ecclesiastical conventions of former times, should be prepared and printed for the common use. This business had been entrusted to Law, archbishop of Glasgow, and Mr. Struthers, minister of Edinburgh, who were appointed to deliver the draught to commissioners nominated by the assembly, with power to try, examine, and allow the same, after which the canons were to be presented to the king, whose ratification was to confer on them the validity of law.* The arts, however, which had been employed to pack, influence, and overawe that assembly, were so flagrant, as utterly to defeat its object: all men scorned the acts of a meeting which, though it obtained the name, had none of the characteristics of that general assembly of the church, to whose determinations they were accustomed to submit; and from the opposition to the five articles of Perth, the intention was suspended during the life of James, while the commission fell. Charles, who was fully determined to impose canons and a liturgy upon the people, resolved at the same time that they should be drawn from other sources than acts of assemblies, and be effected by very different instruments.

The pretext for the innovations was the desire of uniformity throughout his majesty's dominions; yet both the canons and liturgy differed very materially from the English—thus defeating the pretended object; while all the variations approached more closely to the Romish tenets, and partook of the spirit of those novelties which were

* Calderwood, pp. 655–657, 664.

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every day covertly obtruded upon the sister kingdom. Hence it was fairly concluded that an experiment, which might afterwards be extended to England, was begun with Scotland, whose resources were too much contemned. On the other hand, it was alleged by Charles, that it having been deemed more honourable for Scotland to have canons and a liturgy of her own, so individuated as might preserve for her the character of an independent nation, the Scottish bishops were commanded to prosecute the work, which they ultimately completed according to the original plan of the assembly of Aberdeen. But the statement in the Large Declaration is contradictory in itself, and not quite consentaneous to that of Laud, who says that both he and his master were anxious for the English canons and liturgy entire, but that the Scottish bishops insisted so strenuously on having something peculiar, that their desire was acceded to ; while there is the fullest evidence in support of the opinion entertained by the opponents of the measure. To every one, too, it must occur as perfectly obvious, that, since truth is uniform, if the English canons and liturgy were complete, the variations must have been heterodox ; and that, since there was confessedly from the fact itself, of the difference between the English and those for Scotland, a fair ground for variety of opinion, nothing can excuse the bloody spirit with which they were forced upon that people. But the truth is, that the whole business was entrusted to four only of the bishops—to four who had owed their advancement to Laud, and were still ambitious of further preferment from the same source : that Laud corresponded with them during every stage of the work : that both the canons and liturgy were submitted to his revision, and materially altered by him, and then printed under his directions. That the measure was against the decided opinion of the older Scottish bishops ; and that they were threatened with the loss of their places if they declined to exert themselves in support of the undertaking. Now, surely, he who plans and superintends a work must

be deemed the architect, and not the humble artisan who labours by his directions. The employment of the four Scottish bishops was politic on several grounds ; it, in some manner, screened Laud, and, by making them parties to the design, stimulated them to advance it.*

The Canons were published a full year before the Liturgy, and were of the most extraordinary and arbitrary description. In England it had been deemed expedient to set up a plea of divine right in the church, independent of the civil government ; in Scotland, and nothing more clearly proves how ready the patriarch was to sacrifice his principles to his ambition, — all power in ecclesiastical affairs was imputed to, and arrogated by, the crown. The punishment of excommunication, a punishment which inferred the civil consequences of outlawry and confiscation of moveables, was provided for all who in any shape impugned the royal supremacy, or denied to the king the same authority in causes ecclesiastical, that the godly kings had amongst the Jews, or the Christian emperors in the primitive church. Another ordained the same dreadful punishment for such as should question the mode of worship, or service, contained in the Book of Common Prayer, and the prescribed administration of the sacrament ; a canon assuredly of the most tyrannical nature, since the very book which the people were thus enjoined to consider as perfect, was not published for a year subsequent to the promulgation of the Canons. But that which regarded the administration of the sacrament, was calculated to excite the most general alarm. The doctrine of the leading members of the English church maintained the real presence in the eucharist to be a fundamental principle of that church ; while the orders to convert the

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The Scot-
tish Ca-
nons, 1636.

* This is a matter of considerable importance, and has been generally misunderstood. Mr. Laing, whose research in Scottish history has deservedly gained him credit, has fallen into the same error ; and, as it will

be necessary to prove the matter at greater length than is compatible with a note at the foot of the page, the reader is referred to Note A, at the end of the volume.

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communion table into an altar, and furnish it with carpets, linen cloths, basons, chalices, crucifixes, &c., had inspired a general understanding, that the object was to introduce the sacrifice of the mass, &c. The Bishop of Durham himself had declared that the Reformers, when they took away the mass, deformed, instead of reforming religion. But in the case of Scotland, an injunction that the elements, as if really transubstantiated, should be consumed by the poorer communicants before they left the church, confirmed the common alarm. Romanists, with all who approve of their doctrine, hold that baptism is indispensable to salvation; but the Presbyterians held this to be a damnable opinion: yet the Scottish bishops maintained openly, that new-born infants who die unbaptized are consigned over to everlasting perdition; and while a font was prepared for the holy water, the ceremony was allowed, as had formerly been done, to be performed privately; as if, according to the Presbyterian clergy, it were a charm to be wrought in a corner. Marriage was by the Presbyterians esteemed merely a civil contract, and dissoluble on certain grounds; by Laud and his party, it was held to be an indissoluble sacrament; and, by the new canons, divorces were merely to extend to separations, *a mensâ et toro*, while the publication of banns might be dispensed with. Ordination too, like a real sacrament, was restrained to four seasons in the year; and no preacher was to be permitted to deviate from the unseen Book of Common Prayer. To strike at the Sabbatarian doctrine, and subvert the power of the popular clergy, fasts too were prohibited on Sunday; auricular confession and absolution, which, according to Clarendon, 'the Scots considered the most inseparable tenet of Antichrist,' and which was undoubtedly a mighty engine in the hands of the priesthood, were prescribed in substance, the presbyter, while he granted absolution, being ordered to conceal the confessions of the penitent, unless they were such as, by the laws of the realm, the priest's own life

might be exposed for concealment. But no sentence of excommunication was to be pronounced, nor absolution from one given, without the leave and approbation of the bishop of the diocese.

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In order to remove the very appearance of freedom in the people, and to subvert the whole fabric of the established ecclesiastical government, some vestiges of which yet remained; to subdue the popular spirit by infecting it with superstition, and to exalt the hierarchy, the following regulations were devised: That whoever questioned the lawfulness of consecrating bishops, or their divine right over the rest of the clergy, should be excommunicated: that every ecclesiastic should take the oath of supremacy: that no preacher should impugn the doctrine delivered by another in the same church, or any near it, without the permission of the bishop, 'which the Presbyterian clergy conceived to be the way to pin their whole religion to the bishop's sleeve;' and that no private meetings should be held by presbyters, *or by any other persons whatever*,* for expounding scripture, or for consulting upon ecclesiastical affairs, such matters being only fit for the prelates in their synods: that neither Presbyters nor laymen should jointly or severally, under the pain of excommunication, either make new rules, orders, or constitutions, or detract from those established, without his majesty's authority, and that no assembly should be called except by the king; nor its acts be valid unless confirmed by his power: that no man should teach, either in public or private, without a licence from the bishop of the diocese, or archbishop of the province under his hand and seal, (those again were enjoined to license such only as were of good religion, and obedient to the orders of the church): and that nothing should be printed without a licence from the visitors appointed for that purpose, under a penalty at the discretion of the prelates. It was further

* Clarendon prudently sinks this clause, printed in italics, mentioning only meetings of the clergy (vol. i. p. 188 *et seq.*).

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advanced, with a view to raise the clergy, that no presbyter should, under the pain of suspension, become surety or cautioner in civil bonds or contracts for any person whatever; and that such bishops and presbyters as should depart this life, without issue, should leave their goods, or a great part of them, to the church and for holy uses; and, notwithstanding their having children, that they should leave some testimony of their love for the church and advancement of religion.*

These Canons were obtruded upon an indignant people without a shadow of legislative, and, what displeased the episcopal clergy themselves, without even any regular ecclesiastical, authority. Nothing further was deemed requisite than a letter from the king, followed up by an order or act of the privy council, which was poorly attended, and composed of members suited to the business.†

The powers claimed and exercised by the king, together with the very nature of the Canons, implied a right to make further alterations at his pleasure. Indeed, if his right, as vicegerent of heaven, to make the laws which were imposed on this occasion were recognised, there seemed to be no limit to regal authority; for the power that legislates must be qualified to adapt laws to the exigency, to abrogate or change them, according to the varying ideas of expediency, of which it is sole judge. But Charles and his advisers were aware that, however unbounded his pretensions, there possibly might be some limits to the people's patience; that, consequently, it might not be altogether prudent to usher in all at once the whole novelties which presented themselves to 'a restless spirit, that loved to toss and change, and bring things to a pitch of reformation floating in his own brain;' and that, considering how distasteful to the kingdom were

* See this printed before the *Canons*. Row's *MS.* p. 266 *et seq.*; Heylin's *Life of Laud*, p. 290 *et seq.*

Clar. vol. i. p. 183 *et seq.*

† Clar. vol. i. p. 183 *et seq.*, and *Hist. Inf.* p. 2.

such innovations, it was necessary to invent a pretext for future change, lest the people, perceiving no end to alterations in doctrine and worship, should resolutely oppose the measures. A canon was therefore devised, which, while it conferred no farther power than was implied by the others, and was expected to pass unnoticed, was admirably calculated to afford a colour for subsequent innovation: 'for as much as no reformation in doctrine or discipline can be made perfect at once in any church, therefore it shall and may be lawful for the kirk of Scotland, at any time, to make remonstrances to his majesty or his successors.'* The poor people of Scotland were prohibited, under the most terrible penalties, from impugning a liturgy they had not seen, or expounding the Scriptures amongst themselves, by which they might judge of the doctrine; and yet it is announced by the very act which imposed it, that the doctrine or discipline could not be perfect! But the kirk might represent. Now, as all meetings were interdicted, except of the bishops in their synods, the conclusion incontestably is, that the prelates only, who were mere tools of government, should have power to address the throne against any of the innovations; in other words, that they who were moved at the royal discretion, should at any time apply for farther change. Laud was most eager for this canon as well as for its being undetected by the people. '*I am very glad,*' says he in a letter to his great instrument, Bishop Maxwell, wherein he encourages that prelate to proceed without fear in God's cause and the king's, '*I am very glad your canons are also in so good a readiness, and that the true meaning of that one canone remains still under the curtaine. I hope you will take care that it may be fully printed and passed with the rest. 'Twill be of great use for the settling of the church.*'†

* See the *Canons*, 4th of C. 8.

† This letter is published by Hailes; but I have copied the above from the original, C. 10, No. 20, Sep-

tember 19, 1635. One would imagine that the passage was beyond the power of a quibble; but see a proof of Laud's jesuitical dexterity regard-

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As the Canons were not at that time published, it is evident that even the few who were instructed were not let into all the secret intentions of the court. By another part of that letter, we likewise discover that the Liturgy was then in greater readiness than the Canons, and we learn from Baillie, that one edition was disposed of to the tobacconists and grocers as waste paper. But Laud had many alterations to make, some of which required explanation, even from the Scottish bishops, of their own meaning; and when a copy of the Liturgy was transmitted to him by Archbishop Spottiswoode, written only on one side, the numerous additions, abstractions, and alterations necessarily led to much delay. In the meantime the Presbyterian clergy, who descried in the Canons the subversion equally of their own importance in the community, and of the religion they professed, were not deterred by the threatened penalties from, both by conversation and pamphlets, warning the public of their danger.

Liturgy,
1637.

✓ The Liturgy at last appeared and justified the general apprehension. The English was sufficiently repugnant to the Presbyterian principles; but this differed from it materially. It was alleged, and whoever will peruse the writings of Baillie and Prynne will allow that the allegation was not made without cause, that it was extracted chiefly from the Missal and the Breviary. It inculcated in substance whatever in the Popish faith, particularly in

ing it in the *Hist. of his Troubles*, p. 101. Regarding this work, I shall just remark that it is merely notes of his defence to the impeachment, and that his admirers would have acted prudently in allowing it to lie under the curtain. They, however, appear to have protruded it upon the public as a sort of deathbed declaration, which was fit to be regarded as a complete refutation to direct evidence against him. It is only necessary to observe, that he does not scruple to declare himself to have

been a friend to the constitutional liberty of the people and the laws, and to say that he never advised arbitrary taxes. Laud does this, whose very letters breathe nothing but recommendations of 'thorough,' who encouraged Manwaring's and Sibthorp's sermons, and whose whole civil and ecclesiastical administration subverted everything like rights in the community (Baillie's *Lett.* vol. i. pp. 4 *et seq.*, 12, 15, *et seq.*, 31 *et seq.*).

regard to the communion, the people held in the greatest abhorrence. The consecrated water with the cross in baptism, the ring in marriage, and the like were offensive; but the rubric, in regard to the communion, the prayer of consecration, importing the real presence, together with an altar in the place of a table, the offertory, &c., betrayed their original, and indeed were a translation from the Missal. The real presence was indubitably implied, and as the altar imported a sacrifice, so the word sacrifice was used; while the presbyter* was enjoined to consecrate the elements standing before the altar, and of course with his back to the congregation, according to the Romish custom, so that he could not be heard, which supplied the place of consecration mumbled over in a dead tongue; and as this posture was enjoined, *'that he might freely use both his hands,'* it was concluded that it was intended to usher in the elevation of the host.† Then, besides the fair linen cloth for the altar, there was other decent furniture prescribed, which was shrewdly supposed indicative of a purpose to usher in crucifixes, according to the new practice adopted by Laud at Lambeth and Croydon, and to what had been done even in Scotland at the late coronation. Reverence too was enjoined to the altar, which, though the English primate affirmed, as we have shown formerly in a note, was

* The word presbyter was allowed in Scotland as a great concession to the prejudices of the people, instead of the derivative, priest, which had been lately introduced with much pomp into England (Heylin's *Life of Laud*, p. 348).

† At the famous Council of Trent, there was a strong party for allowing communion in both kinds, and in the vulgar tongue. But both points were overruled; it having been held that the first concession would only induce the people to demand something greater; and that the second would awaken them to new disputes, and make them throw off the implicit

reverence for their teachers (see Sarpi's or Father Paul's *Hist.*). But a different reason for the practice was assigned, for the satisfaction of the vulgar:—that some peasants had caught the words of consecration from the priests, and pronounced them over their ordinary meal in the fields, when the bread, to their utter astonishment, was instantly converted into flesh, and fire from heaven destroyed both them and it. Henceforth the consecration was ordered to be pronounced, not only in a foreign tongue, but inaudibly (Baillie's *Parallel*, p. 44). Laud's innovations effected the object.

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different from the worship paid to the Supreme Being, was not distinguishable from it by a carnal multitude. The rubric, in regard to the decalogue, prescribed that the people (who were ordered to kneel all the while) should ask forgiveness of every commandment as it was read, 'either according to the letter, or to the mystical importance of the said commandments,' a rubric which destroyed the morality of the commandments, and was not unreasonably presumed to be levelled at the second and fourth. The one in its literal sense being subversive of the principles by which crucifixes and other images had lately been introduced by Laud into English churches, and the other, of his doctrine about the Sunday. Hence the second commandment had been wisely delete by the Catholics from their missals and breviaries, as only ceremonial, and calculated for the Jews not the Christians. By the spirit of mysticism the object might be indirectly accomplished till matters were ripe for farther change. The loss of the Sabbath was supplied by holidays, and the calendar was crowded with saints; nor did certain prayers, extracted from the Missal, in commemoration of saints fail, when compared with the late doctrine on the south of the Tweed, to frighten the people with the idea of an intention to restore the worship of them. Many other alterations on the English service were complained of; and the whole was so directly repugnant to the genius of the Presbyterian system, and the feelings of the nation, that it would afford no apology for Charles and his advisers to prove that the Liturgy was, in some respects, misconceived, and that the alterations upon the established faith and worship were intrinsically unimportant.* This last, indeed, is the most wretched excuse ever invented for that unfortunate prince; since, if they really appeared unimportant to himself, on what ground

* Baillie's *Canterburean's Self-Conviction, and a Parallel betwixt the Scottish Service Book and the Romish*

Missal, Breviary, &c.; Prynne's Necessary Introd. to Laud's Trial, and the Trial.

shall his conduct be vindicated for his resolution to impose them even with fire and sword? If he considered them in a different light, ought not the same charity for his understanding to be extended to his subjects? Or are the errors of bigotry and superstition only excusable in princes and their ministers, while the people must not even presume to murmur at any of their arbitrary innovations? But of what radical importance they were in a religious sense we have already shown, while the Canons were destructive of the civil rights of the community, and the monarch's eagerness for these novelties was the offspring of love of power alone.*

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The Liturgy, like the Canons which enjoined it, was sanctioned neither by the legislature, nor by any ecclesiastical assembly. A letter was transmitted by the king to the privy council, commanding them to authorise and enforce it; and a proclamation was immediately issued by that obsequious body, prescribing the service-book, under severe penalties, to both clergy and laity, as the only species of worship which his majesty thought fit to allow, and commanding every minister of the Gospel, upon pain of being esteemed a rebel, to purchase two copies of it for his own use, and that of his parish. The council, though a lay meeting, was, in reality, composed of the bishops: eleven members constituted a quorum, and that number was expressly selected for the occasion: nine of them were ecclesiastics, and the other two were unprepared to vote, as they had not even seen the book which the meeting authorised and enforced.†

Proclamation for the Liturgy.

The proclamation spread an instantaneous alarm throughout all ranks of the kingdom. The Presbyterian clergy exposed the Popish doctrine and practice in the Liturgy, which they compared to the mass-book, and

* This will fully appear in the sequel. In regard to the general feeling as to the invasion of public rights, see *Hist. Inform.* pp. 29, 49, 58, 79.

† *Hist. Inf.* p. 3. This work was drawn up by the Earl of Rothes. Row's *MS.*; Baillie's *Let.* vol. i. p. 4 *et seq.*

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roused the piety of the kingdom to resist innovations which at once swept before them whatever their fathers had deemed valuable amongst men. On this one point, all the various causes of discontent were concentrated; a bond of union for all ranks being afforded by a project equally injudicious and wicked, to subvert, not only the civil rights of the country, but the established religion to which the people were so warmly attached.

The most prudent of the council and moderate of the bishops perceived the consequences of such ill-advised measures, and the primate himself inclined to defer the accomplishment of the object for a season. But the clashing of interests marred this prudent counsel, which might possibly have moderated the royal ardour as well as that of Laud. The office of high treasurer had lately become vacant by the death of John, earl of Mar, and the prelates, anxious to fix the office on their own coat, for which they had an example in England, supported the pretensions of Maxwell, bishop of Ross: the aristocracy were alarmed, and, though they disliked Traquair, strenuously supported him to prevent a precedent so injurious to their own interest. The earl was chosen, and the prelates entered into intrigues for his fall. He, on the other hand, was no stranger to these intrigues, and having for some time borne a deep grudge to the Scottish primate for disappointing him in a marriage that he intended for one of his cousins with a rich heiress,* determined to humble them. With this view he procured a warrant to dissolve the commission of tithes, and thus thwarted the primate in his hopes of augmenting his revenue, and stopped a gift of 5000*l.* sterling to the Archbishop of Glasgow. The two arch-prelates resolved immediately upon a personal journey to London to complain of injustice; and, conceiving that they could not render a more acceptable service to the crown than by

* See Row's *MS.* p. 184; Guthry, p. 12.

obtruding the Liturgy, they procured an immediate order from the court, and without the concurrence of the council, as well as contrary to an agreement which was publicly announced by the Bishop of Edinburgh, to defer it till the autumn, commanded it to be intimated from the pulpit, that the service should be used on the next Sunday. They imagined that by taking the people by surprise they should have less cause to apprehend resistance; but they were mistaken. The apparent perfidy of this unexpected resolution kindled rage, it having been well-remarked that 'they who are false to God cannot be true to man;' and, during the whole week, the public mind was agitated by pamphlets and discourse. The late prosecutions of Prynne, Bastwick, and Burton too made the people apprehend similar proceedings in the North, should the power of the prelates be submitted to. Some episcopal writers assert that there was a preconcerted plan to obstruct the service by violence; but, though it would be too much to deny the assertion, there does not appear sufficient evidence (no proper enquiry into the fact was ever instituted) to authorise the belief of it. But it is clear that the ideas of the better informed were transfused into the lower ranks; and that the latter perceived themselves countenanced by their superiors in the ensuing tumults.*

The tumult on the Sunday is acknowledged to have been the greatest that had occurred from the Reformation.† I shall therefore, in order to convey a correct picture, freely borrow the language of contemporaries. 'In the Grey Friars church,' says Sir James Balfour, a contemporary who applauds the resistance he describes, 'thir was such a confused acclamation, such a covered-

Tumult at the introduction of the service-book, July 23, 1637.

* Balfour's *Annals*, MS. vol. ii. p. 84; Baillie's *Let. &c.* vol. i. p. 5; Guthry, p. 20. He gives the very names of the women who were alleged to have been instigated by Balmerino and Sir Thomas Hope, the king's

advocate, as acting for the rest (Spalding, vol. i. p. 45 *et seq.*; Heylin's *Life of Laud*, pp. 347, 357; *Hist. Inf.* p. 5).

† Baillie, vol. i. p. 5.

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headed gazing (for that was the greatest reverence that was given to the new service), such a wringing of handis, and such effusion of eye-streams, that Mr. James Fairlie the ordinar pastor (and now bishop of Argyle) was forced to put ane end to that patched work before he had scairce begun.*' In the high-church, which had now been converted into a cathedral, the tumult was still greater. The bishop and the dean came accompanied with the archbishops and other prelates, the lords of session, and the magistrates, in order to give the service greater solemnity: but the book was scarcely opened by the dean, when a number of the meaner sort of people, 'with a clapping of their hands, cursings, and outcries, raised such an uncouth noise and hubbub in the church, that not anyone could either hear or be heard. The gentlewomen did fall a tearing (shedding tears), and crying that the mass was entered amongst them, and Baal in the church.'† Females of the lower class, cried 'Sorrow, sorrow, for this dreadful day; they are bringing in popery amongst us.'‡ 'The dean was mightily upbraided. Sum cried, he is one of a witche's breeding and the deville's gette' (child). 'No wholesome water can cum furthe from such a polluted fountain, &c. Others did cast their stools against his face; others ran out of the kirk with a pitiful lamentation, so that the reading of the service-book was then interrupted.'§ The bishop, expecting greater reverence from his office, mounted the pulpit; || but 'false antichristian wolfe, beastlie belligod, and crafty fox, were the best epithets and titles of dignity which were given him.' ¶—All admit that one stool was thrown at his head, which he narrowly escaped; but Gordon and Whitelocke tell us that whatever was within the people's reach was hurled at him, and the magistrates found all their authority insufficient, either to stop the disorder or to protect the prelate. By an

* Balfour's *Stonie-Field Day*.† Gordon of Straloch's *MS.* p. 5.‡ Row's *MS.* p. 281.§ Balfour's *Stonie-Field Day*.|| Row's *MS.* p. 281.¶ Balfour's *Stonie-Field Day*.

effort, the most unruly were thrust out of the church ; but becoming more infuriated, they tried to force the doors, and having broken the windows they threw in stones, ‘Crying a pape, a pape, antichrist, stane him, pull him down.’* Balfour, in recounting what occurred after the congregation left the church, together with the speech of a woman, says, ‘no less worthie of observation is that renouned Christian valyancie of another godly woman at the same season ; for when sche hard a young man behind sounding furth *Amen* to that new composed comedie (Godis service, or worschip, it deserves not to be called), which then was impudentlie acted in the public sight of the congregation, sche quicklie turned her about, and after sche had warmed both his cheeks with the weight of her hands’ (Gordon of Straloch† tells us that she increased their weight by that of her bible), ‘sche thus shot against him the thunderbolt of her zeal: “False thief,” said sche, “is their na uther pairt of the church to sing mess in, but thou most sing it at my luge?” The young man being dasched at such a sudden rencountre, gave place to silence by way of recantation.’‡ After the congregation left the church, the fury of the multitude first discharged itself against one of the bishop’s clerical attendants: ‘A voluntarie,’ says Balfour, ‘who cam officiouslie to say *Amen*, was put in no small danger of his life. His gown was rent, his service-book taken from him, and his body pittifullie beatten and bruised, so that he cryed often for mercie, and vowed never after to give his concurrence to such clagged devotion.’§ The bishop’s

* *Large Declar.* p. 23 ; Rush. vol. ii. p. 387 *et seq.* ; Whitelocke, p. 27 ; Gordon of Straloch’s *MS.* p. 5.

† See his *MS.*

‡ Balfour’s *Stonie-Field Day*. This is the circumstance which gave rise to the story of a woman beginning the tumult, by throwing a stool—a story which I can only trace to De Foe’s *Memorials of the Scottish Church*.

Yet Mr. Laing quotes Gordon of Straloch’s *MS.* along with De Foe for it. The uproar was predetermined and instantaneous, and violence seems only to have been resorted to according to the natural course of things, as the passions warmed and the confusion promised to prevent detection.

§ Balfour’s *Stonie-Field Day*.

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lodgings were within a few paces of the church ; but he was intercepted in his passage thither, which, owing to his great corpulency, was none of the quickest, assailed with dirt, reproaches, curses, and well nigh trodden to death, when he was rescued almost breathless from the infuriated mob—a rescue that seems to have been lamented by men of rank. Sir James Balfour remarks of the assailants, that ‘ if their handis had been as active as their minds were willing, they would have demolished the great bull which they aymed at ; ’ such language, levelled apparently, like the other reproaches, at the ecclesiastic’s corpulency and devotion to the belly, did this unhappy attempt to undermine the national worship draw from a gentleman and scholar of that age. ‘ A certaine woman,’ continues the same writer with much satisfaction, ‘ cryed, “ Fye, if I could get the thrapple (windpipe) out of him : ” And when ane replyed that tho’ sche obtained her desire, yet their nicht presentlie chance cum a muche worse in his rewme, sche answered, “ after Cardinal Beaton wes sticked (stabt, run through the body), “ we had never another cardinal sin syne ; and if that false Judas the bishop were now stabt and cut of, his place would be thocht so prodigious and ominous, that scarce any man durst hazard or undertake to be his successor.” ’ This speech, it may be remarked, though, to the present age, it discover the temper of a coarse female mind, showed intelligence superior to what could possibly belong to the lowest rank of society ; and affords proof, amongst other things, that the episcopal faction were not far wrong in imputing a participation of the tumult to people of a higher class than was acknowledged by the opposite party.

The service was, by certain precautions, particularly that of precluding the women, secured from interruption in the afternoon ; yet the bishop, conceiving himself no longer safe in his own lodgings, got himself conveyed in the Earl of Roxburgh’s coach to Holyrood House, situated at the

farther end of the town, and at the distance of about three-quarters of a mile from the church. Such, however, was the increasing fury of the populace, that the earl's numerous attendants, with drawn swords, could scarcely prevent them from rushing in upon the carriage, that they might drag forth the object of their resentment and tear him to pieces. When they found this impracticable, they endeavoured to reach him with stones, which they continued to shower upon the carriage till its arrival at Holyrood House. It is said in the Large Declaration by the king, that the prelate had nearly suffered the death of the first Stephen the martyr.*

The humour of the people did not subside with this expression of it.—They determined on still bolder measures, if the service-book were again attempted to be used. The reflecting part of the community were full of melancholy forebodings; but as for the bishops, whose fears suggested sanguinary measures, thus incurring the evil they wished to shun, they procured a proclamation of council, dated the 24th July, 1637, denouncing death, without mercy, to all who spoke either against their body, or the inferior clergy.† A prince who had proceeded so far in an arbitrary course, was not likely to abandon it now that his pride was, with the whole principles of his reign, so deeply engaged; and if matters were to be pushed to extremity, there was reason to apprehend direful measures, both to punish the past disorder, and prevent its recurrence. The town-council, as responsible for the city,

* Balfour's *Stonie-Field Day*, MS.; Row's MS. p. 281 *et seq.*; Rob. iii. 2. 1; MS. Adv. Lib. p. 36; Woodrow's MS. 4to. Adv. Lib. p. 83. This is a transcript of Balfour, only a little softened. Thus, in recounting the attack on the bishop, he says of the woman who wished the prelate's thrapple, 'I persuade myself this did not proceed from malice to his person, but zeal to God,'—a fit distinction for a casuist; but I suspect it was above the woman's capacity, while

Balfour approves of her spirit as directed literally against his person. *Hist. Inform.*; Copy in Woodrow's Col. MS. vol. xi. pp. 3 *et seq.*, 144 *et seq.*, Rush. vol. ii. pp. 377, 378; *Large Decl.* p. 23 *et seq.*; Spalding, vol. i. p. 45 *et seq.*; Guthry, pp. 22, 23; May, p. 34; Heylin's *Life of Laud*, pp. 347–349; Clarendon, p. 183 *et seq.*; Whitelocke, p. 27; Baillie's *Let.* vol. i. p. 15 *et seq.*; Gordon of Straloch's MS.

† *Hist. Inf.* p. 5, 6.

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endeavoured, by letters full of submission, to deprecate the wrath of Charles, and of his ghostly adviser, imputing the tumult to the 'rascal multitude.' The chancellor, Archbishop Spottiswoode, in his dispatches accused his enemy Traquair, the treasurer, for his absence; while the other deeply censured the prelates for alienating the public mind by their precipitation, their high pretensions, and unfounded complaints.* He might have proceeded farther, and shown that their whole conduct tended to disgust the people, whom, if success in ecclesiastical measures were desired, it ought to have been their province to conciliate and gain. Their undisguised amusements of cards and dice, as well as field sports on Sunday, insulted the general feelings. Debauchery and gluttony, vices ill-becoming their calling, and yet too clearly proved against the majority, brought additional abhorrence at the prelatical function.†

As the truth was concealed from Charles at this juncture, the whole blame of the tumult being imputed to the lower classes, whose outrages were alleged to be detested by the better informed part of the community, it is not wonderful that this ill-advised prince should have still steadily persisted in his resolution:—That he should have committed the cognisance of the disturbance, and the punishment of the rioters to the council, and again commanded the adoption of the service-book. Thus encouraged, the prelates, having obtained an act of council for that purpose, charged some of the most eminent Presbyterian ministers on *letters of horning*,‡ to purchase two

Act of council to charge the ministry on letters of horning.

* Burnet's *Mem. of Duke Hamilton*, p. 31.

† Baillie's *Let. &c.* vol. i. pp. 5 *et seq.*, 153 *et seq.*, 160 *et seq.*

‡ Letters of horning are a warrant running in the king's name, and passed under the signet, directed to the proper officers, called messengers at arms, by which they are to charge and command the party to fulfil a decree, &c., under the pain of being

denounced a rebel. If the charge is not complied with, then, in due time, the messenger, at the market cross, and after three oyeses and blasts of his horn, denounces the party a rebel, when ultimate diligence against his person, or a writ to take and imprison him, &c. follows. Hence the *Anti-quary*, in the popular novel of that name, is made to say, that in Scotland no man is liable to imprisonment

copies of the Liturgy for the use of their congregations, and the regulation of public worship. Four of the Presbyterian clergy protested in a legal form against the proceeding, and appealed to the council by way of supplication. From that body, the prelates, who had long preponderated there, expected a favourable result; but, whether it were that the members who took the most active part in that business, were such as had hitherto abstained from the council, or that the lay members, in general, either had begun to be affected with the contagion, or saw the impracticability of carrying the measure, the judgment upon this important question disappointed the prelacy. The council held that the proclamation merely enjoined the purchase, and not the use, of the book. So cautious were they, that, though seven or eight women were confined on account of the late tumult, they soon restored them to their liberty, without punishment or even trial. About the same time the council addressed his majesty regarding the innovations, representing to him the state of the popular feelings, the daily accession to the common cause, of men even of the most eminent rank, and the numerous supplications against the service-book, —a representation which ought not to have been lost upon this prince: But, as inflexible obstinacy, so long as conciliation was attainable, was a striking feature of his character, and Laud was ever ready to stimulate him to perseverance, Charles, instead of yielding to the reasons urged by the council, reproached them with a breach of duty, in not punishing the authors of the late outrage, and enforcing the Liturgy; nay, even denied their request to summon a few of their number to court, that they might, in person, afford him ampler information.* The temper with which James's innovations had ever been resisted, might have given an idea of that people's dispo-

for debt, but merely for rebellion to his majesty. At the time we are treating of, forfeitures were incurred

even by civil outlawry, or diligence for debt, &c.

* *Hist. Inform. MS. p. 13 et seq.*

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sition; but, in spite of this experience of the national temper, the notion which seems to have been entertained by the ruling faction was, that, could the Liturgy be once read, the opposition would cease,—as if it were merely a bitter dose, which, once swallowed, would no more be thought of; and it is extraordinary, that upon such men, amongst the very chief of whom Clarendon himself must be ranked, the direful effects of these measures were so far from teaching wiser as well as more charitable policy, that they only confirmed them in their intolerant bigotry.

Tumult in
Glasgow.

The king's answer confirmed the general hatred of the Liturgy: the attempt to recommend it in Glasgow had nearly proved fatal to one preacher, and another was threatened with being torn from the pulpit if he dared to allude to it. 'This tumult was so great that,' says Baillie, 'it was thought not meet to search either in plotters or actors of it, for numbers of the best qualitie would have been found guiltie.'*

* Baillie's *Let.* vol. i. p. 21. 'At the outgoing of the church,' says this writer, who was one of the most profound scholars of any age or nation, naturally of a mild temper, and a man of great talent—'about thirty or forty of our *honestest* women, in one voyce, before the bishops and magistrate, did fall in rayling, cursing, scolding, with clamours on Mr. W. Annan' (the clergyman who tried to recommend the service-book). 'Some two of the *meanest* was taken to the tolbooth' (prison). 'All the day over, up and down the streets where he went, he got threats of sundry in words and looks; but after supper, while needlessly he will go to visit the bishop, who had taken his leave with him, he is not sooner in the street, at nine o'clock in a *mirk* night, with three or four ministers with him, but some hundreds of iraged women of *all qualities* are about him with *neaves*' (fists), 'and staves and peats, but no stones. They beat him sore; his cloak, ruffe, and hat were rent: however, upon his

cryes, and candles set out from many windows, he escaped all bloody wounds. Yet he was in great danger, even of killing.' The baillies protected him to his horse next day, 'for many women were in waiting to affront him more. At his onleaping, his horse unhapellie did fall above him in a very foul mire, in presence of all the companie; of which accident was more speech than of any other' (*Id.* p. 20 *et seq.*).

The same writer, in this very letter (p. 23), says that 'There was in one land never such an appearance of a sturr: the whole people thinks Poperie at the doors: the scandalous pamphlets which comes daily now from England, adde oyl to this flame: no man may speak anything in publick for the king's part, except he would have himself marked for a sacrifice one day. I think our people possessed with a bloody devil, farr above anything that ever I could have imagined, though the massee in Latin had been presented. The

Twenty peers, a great proportion of the gentry, and eighty commissioners from towns and parishes, now joined the four original supplicants to the council; and their numerous petitions were transmitted to Charles by the Duke of Lennox, who was requested to vindicate the council, and to report, as an eye and an ear-witness, the real posture of affairs. That the representation might have the greater effect, the nobility, gentry, and Presbyterian clergy ranked themselves up in the high street in vast numbers to urge their petitions.*

The council deferred their answer to the supplicants, as they were styled, till October, as they expected his majesty's answer by that time.† The leaders in the in-

ministers who has command of their mind does disown their unchristian humour, but are noways so zealous against the devill of their furie as against the seducing spirit of the bishops.' The work is full of melancholy forebodings that God, 'to revenge the crying sinns of all estates, (which no example of our neighbours' calamities would move us to repent), is going to execute his long denounced threatenings, and to give us over to madness, that we may every one shoot our swords in our neighbours' hearts: our drugs is like to be more bitter than was the brimme of God's cup bitter to the French or to the Dutch.' . . . 'The barricades of Paris, the Catholic League of France, is much before my eyes; but I hope the devill shall never finde a Duke of Guise to lead the bands.' . . . 'My heart,' says he, in the next page, 'is for the present full sore, for that poor land wherein we were borne, and church wherein we were regenerate; if it were not a God who permitted a powerful devill to blinde and inrage men against the common principle of cleare natural reason, let it be equity or religion, I think both our bishops and their opposers might be easily withdrawn from destroying themselves and all their neighbours, but God and devills are too strong for us.' He looked forward to his

own destruction because he had remained, and was resolved to remain, moderate (*Ibid.*). From all this his account of the tumult becomes truly of moment. How he afterwards acted will be seen.

* *Hist. Inf.* pp. 13, 15, 16; Guthry, p. 26.

† The conduct of the prelacy was as presumptuously foolish as wicked. The Earl of Rothes had a conversation with Archbishop Spottiswoode, the chancellor, upon the subject; and the latter challenged him to produce instances of unsound doctrine. The earl accepted of the challenge, and proceeded to give the instances, when the chancellor laughed, and said it was worse interpreted than it needed to have been—that he had transmitted a copy to the Bishop of Derry, who lamented that Scotland should have prevented England in so good a work. Rothes objected to that prelate's testimony, that he was the most unsound minister attached to the national establishment in Ireland. The chancellor laughed again, and told him that if the king turned papist, resistance was useless: that it behoved them to obey—who could resist princes? (*Hist. Inf.* pp. 18, 19.) Was insulting the religious feelings of a people a mere sport?

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II.

Immense
crowds re-
sort to Ed-
inburgh in
October.
Proclama-
tions, tu-
mults, &c.

terval were not idle ; and daily accessions, with well-concerted plans, afforded a rational hope of successful resistance. In October, when the answer was expected, and the harvest was finished, a number of people flocked to Edinburgh from all quarters south of the Grampians ; supplications were presented against the Liturgy from two hundred parishes ; and had the answer even then imported a recal of that detested service, the spirit of insurrection would at once have subsided, and peace been secured. But what was the general rage when one proclamation was issued commanding the people to their several homes ; another ordering the removal of the supreme court of justice to Linlithgow, and then to Dundee ; and a third, calling in a book (afterwards avowed by a learned and eminent divine, Gillespie), entitled, ' A Dispute against the English-Popish Ceremonies obtruded upon the Kirk of Scotland '—a work of great learning and ability ; and certifying, that whoever should be found to have a copy in his possession, should incur the same punishment which awaited the author when discovered—a proclamation that denied to the people even the liberty of inquiring into the nature of the Liturgy forced upon them.

The effects of these arbitrary proclamations were very different from what had been anticipated. The removal of the Court of Session from Edinburgh would, it was supposed, subdue the spirit of a town which, in so great a measure, depended on it, and delay weary many out of their opposition, as well as afford an opportunity to break the confederacy ; but, instead of this, it gave rise to a measure which formed a new bond of union. A formal complaint against the prelates, as authors of the Canons and Liturgy, and by consequence of all the troubles, was secretly prepared, and then rapidly subscribed by all classes. The general indignation directed against some of the bishops, and Traquair likewise, vented itself in open violence : Sydserf, bishop of Galloway, who was reported

to wear a concealed crucifix in his breast, and was afterwards convicted of using one in his private devotions, was surrounded as he walked the streets, greeted with fearful curses and acclamations, and would most probably have been torn to pieces by the increasing mob, whose fury augmented with its numbers, had he not been assisted in an escape into the council-room. Even there, though the place of greatest reverence in the kingdom, he found not safety. The council was besieged, and the magistrates, who were applied to on this emergency, stood themselves in need of protection. They were imprisoned in their own council-chamber, and forced, under a threat of immediate execution, to subscribe certain articles: that they would join the supplicants against the service-book, and restore their silenced ministers, Ramsay and Rollock, and Pat. Henderson, a reader. This moderated the fury of the mob, but it was only by the interposition of some popular noblemen that the privy council was released; and Traquair, who had likewise been attacked in the street, and stripped of his treasurer's staff, his cloak, and hat, escaped with difficulty. Sir John Hay too, the clerk-register, of whom we have already spoken, who had been, by royal authority, thrust upon the town as its provost, was so hated, that a little more opposition would have induced the mob to have torn both him and Traquair to pieces: neither durst, for a season, appear in public. The rioters were now confessedly people of rank, and instead of permitting reproaches to be continued against the tumult in July, the higher classes defended it, alleging, that though the populace alone acted on that occasion, and the mob is an ass, yet that it had pleased the Lord to open its mouth, as heretofore it had done Balaam's, to testify his displeasure at the wickedness introduced, and that, had human beings been incapable of appearing as instruments on the occasion, he would have raised up inanimate nature for his glory. Edinburgh was, therefore, joined with the other burghs, and its cause defended as a common one,

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for 'that the matter which the bishops called so barbarous and tumultuous, was nought but a very modest keeping of their profession, when these, against all law, would have intruded the corruption of their religion; and the consequences were imputable to the usurpers, not the defenders, according to King James's maxims of the powder treason, that in the danger of the prince, *or of the religion*, every one may run to their defence.' *

Erection of
the Tables.

As the spirit of opposition daily increased, the popular party assumed a more decided tone and a greater character of union. A petition was presented to the council, in the name of noblemen, gentlemen, burgesses, &c., against the Canons and Liturgy, and craving that the prelates should not longer be permitted to sit as judges in questions which involved their own pretensions. The leading men, too, under the pretext of preventing commotions by the conflux of such numbers to the metropolis, made a proposal to the council, that representatives of the supplicants should be elected for managing the business of the whole body. The council, whether secretly conniving at the success of a cause which they were expected to oppose, or hoping to divide, bribe, or intimidate a small number which they despaired of accomplishing with the multitude, or whether really insensible to consequences, approved of a measure that promised to put a period to scenes of violence, and thus acquiesced in the erection of a new representative government, known under the name of the Four Tables, which became so famous. According to this institution, a certain number, representing the nobility, formed the first table; so many gentlemen, who represented the shires, constituted the second; a number of clergy, for the presbyteries, the third; and so many burgesses, for the burghs, a fourth. A member from each of these constituted a general table; and there

* *Large Declaration*, p. 30 *et seq.*; Baillie's *Lett.* vol. i. p. 31 *et seq.* Rush. vol. ii. p. 404 *et seq.*; *Hist. Inf. MS.* pp. 28, 29, 34, 40, 42; (printed copy); Balfour's *Annals*; *Stonie-Field Day*.

were still other tables subordinate to the four that consulted upon what was to be propounded by the four to the general one. The promiscuous multitude was now dismissed; the disorders incident to such meetings, and which injure the best of causes, were no longer apprehended; and as the sources of discontent and jealousy were so deep as to be nearly incurable in the leaders, it was impracticable to disunite, gain, or intimidate them.*

Charles, who had no intention of renouncing the Canons and Liturgy, and yet had, in some measure, become sensible to the expediency of temporising, commanded the privy council to announce by proclamation that he delayed an answer to the petitions, because he had seen no disavowal of the late tumults; and to signify, in general terms, his aversion to Popery and superstition, and that he intended nothing against the laws of his native country. To some this afforded partial satisfaction, as they conceived themselves warranted in inferring from it, that the innovations were imputable rather to the prelates than to the prince; but the quicker-sighted saw through the veil. The servants of the crown laboured to disunite the supplicants, but they were unsuccessful;† and Traquair was at last summoned to court, at the request of the council, for the purpose of giving information to the king. This statesman now began to be actuated by opposition to the service-book. Hating the prelates for

* *Hist. Inf.* pp. 34, 45, 47, 53 *et seq.* The leading men acted with great prudence. They engaged the most eminent counsel, and followed their advice at every step. With regard to the people, notwithstanding their tumultuous opposition to their service-book in church, they were acknowledged by the council itself to have conducted themselves with great moderation. It is singular that Hope, the king's advocate, who then secretly favoured the popular party, and afterwards joined them, told them that the erection of Tables was

lawful. The *Historical Information* imputes the first hint of acting by commissioners to the Bishop of Galloway and the clerk register. Their motive was to gain or intimidate the few (*Id.* 82; Baillie's *Letters*, vol. i. pp. 25 *et seq.*, 44, 59 *et seq.*, 31 *et seq.*). We have already quoted passages indicative of the general feelings. In the place last referred to, more to that purpose will be found. The spirit is appalling.

† Baillie, vol. i. pp. 26-27; *Hist. Inf.* p. 66 *et seq.*

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having aspired to his office, he bore no affection to their cause: alive to the general odium which he had incurred by his arbitrary measures, and particularly by the prosecution of Balmerino, he was anxious to recover his character, and he had sufficient sagacity to perceive with what difficulties the introduction of the service-book was attended. Hence, he avowed privately to Rothes his hatred of the Liturgy, declaring a resolution rather to resign his white staff than agree to it, and recommended to the court the absolute withdrawing of both it and the Canons. His hatred of the bishops was amply repaid, and his popular advice conspired with their representations to beget the strongest suspicion of treachery: but as, when matters came to the proof, he preferred his office to his late sprung popularity, he soon abandoned, and consequently lost, the people, without overcoming the jealousy of the ruling party, and thus fell under the imputation of being false to both.* A notable scheme was now devised for reducing the disobedient. Moved, as it is said, by the success of his grandmother in the case of Rizzio, whose murderers were dispersed by denouncing them rebels, Charles resolved to adopt a similar course in the present instance. He dispatched Traquair with a proclamation to declare his approbation of the Liturgy, to prohibit the supplicants, under the pain of treason, from re-assembling, and to denounce the petitions as detracting from the prerogative, and, therefore, meriting the severest punishment, though a pardon was held out to the nobility, gentry, and burghs, if they immediately submitted. As no mention was made of a pardon to Edinburgh, however, the suspicion immediately suggested itself, that the design of making it an example was still entertained, and it awakened feelings adequate

Violent
proclama-
tions,
1638.

* *Hist. Inf.* p. 83; Baillie, vol. i. p. 44 *et seq.*; Hardwicke's *State Papers*, vol. ii. p. 90. Traquair, in a letter to Marquis Hamilton, declares that it would be as easy to establish the

missal as the service-book in its present form. (*Ib.* see p. 101, in which he recommends the withdrawing of it.)

to the occasion. The nobility declared that they would instantly prosecute the prelates in turn for erecting new judicatories against law, for which their lives were responsible.*

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That this extraordinary measure should have its full effect, it was intended to conceal the project till it burst upon the people like a peal of thunder; but the supplicants, who were men of great sagacity as well as activity, and of the most extensive connections, had friends at court, who faithfully transmitted to them intelligence of this amongst the other secret schemes; and, as it spread an instantaneous alarm throughout the whole body, a protest, according to the legal form, was immediately prepared. Traquair, with the bishops, having learned this, formed the design of secretly departing for Stirling (to which the courts of justice had been removed), in order to publish the proclamation there, as well as another, to prohibit the supplicants from appearing in that place; and, with this, they also determined to imprison Rothes and Balmerino, who were employed to take the protest. But this plot likewise transpired, and a great concourse of people, with suitable arrangements, defeated it. The protests were accordingly taken, and when the proclamation was afterwards made in Edinburgh, the same measure was adopted.†

Protests
against the
proclama-
tion.

Matters had now arrived at such a crisis, that half measures must have been ruinous to the popular party; and even a retreat from their opposition would have failed to bring safety to the leaders, who must have soon found themselves naked objects of that despotical vengeance which had been visited on Balmerino. Indeed, their submission would have deprived them of a plea in their own defence, since, by renouncing the cause, they necessarily confessed that it was equally unjust and un-

The Cove-
nant.

* *Hist. Inf.* p. 117 *et seq.*; Baillie, 126, 129, 130; Baillie, vol. i. pp. 49
vol. i. pp. 50 *et seq.*, 57 with 35. *et seq.*; Hardwicke's *State Papers*,
vol. ii. p. 101; *Large Declar.* p. 48.

† *Second Hist. Inf.* pp. 119, 120,

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tenable; while they were fully sensible that as England, which had attentively watched all their motions (the leading men of both countries corresponded), might probably join them, so Charles had now a deep interest to prosecute his purpose keenly, since, by concession or failure, England would be roused to recover her rights.* To cement the various classes, therefore, whom the opposite party tried to disunite, the renewal of the National Covenant was proposed; and the plan, which was speedily embraced, formed one of the strongest bonds that ever united a people. In the measure, however, the leaders had not the merit of originality. It had been adopted at the commencement of the Reformation from the covenants of Israel with the Lord, and renewed at various times. This famous one was prepared by Alexander Henderson, the celebrated divine who took so active a part in these troubles, and Archibald Johnston, afterwards of Warriston, an advocate on whose advice the Covenanters chiefly relied. It was revised by Rothes, Loudon, and Balmerino. Its renewal was vindicated by various statutes, which were cited. It contained a general profession of the principles established at the Reformation, and a strong abjuration of the doctrine, rites, and ceremonies of the Romish church, with the prelatical hierarchy, and concluded with a bond of union—cautiously expressed to suit certain queezy stomachs that had of late years sucked in the principles of passive obedience, or rather possibly had not courage, which yet they soon acquired, to go beyond a definite limit—to resist the innovations and support the king in preserving religion, liberty, and law.†

Having adopted this memorable scheme, they transmitted the Covenant to all quarters for subscription; and the Presbyterian clergy exerted every nerve to kindle the

* See Baillie as to this idea in regard to England (*Id.* p. 49). Traquair himself told Rothes that the king was apprised of all their meetings, consultations, &c., and who ap-

proved or opposed every measure (*Hist. Inf.* p. 112, 113).

† *Hist. Inf.* p. 137 *et seq.* (see Baillie's *Letters*); Rush. vol. ii. p. 734 *et seq.*

zeal of the community. They did not preach in vain. In about two months the Covenant obtained the assent of almost every quarter of Scotland, with the exception of Aberdeen, which was withheld, through the influence of the Marquis of Huntly, its patron. Like every grand national movement against arbitrary power, civil and religious, this was not merely a cool assent of the understanding, but the resolution of the heart, heated to an enthusiasm of which a faint conception only can be formed by those who have lived in quiet times. The Covenant was embraced with tears of penitence for past defection, and shouts of unutterable joy from the hoped-for fruits of reconciliation with heaven.*

That part of the Covenant which deserves severe reprehension, is the intolerance towards the Catholic body. Men who were themselves smarting under the effects of intolerance, might have had sympathy with the feelings of those who also adhered to their own notions of worshipping their Maker : but the spirit of Presbyterianism was intolerance, while some apology is due to the great covenanting body (they were called Covenanters by their enemies in derision, but they were not ashamed of the appellation) for following the clergy in their inhumane principles. The Papists were the most restless, intriguing faction : men who suffer under a despotical system to

* Baillie's *Let.* vol. i. p. 53 *et seq.* Ministers, whom Strafford had driven out of Ireland, were very busy on the occasion (Balfour's *Ans.* ; Hardwicke's *State Papers*, vol. ii. p. 107).

Mr. Laing displays little philosophy, though I rather suspect that the remark was intended to convey an idea of his own superiority to vulgar opinion, when he says that 'the abhorrence which the Canons and Liturgy excited, was certainly disproportionate to their futility.' He admits that the first were subversive of the fundamental laws of the realm ; if such be futile, I am incapable of forming an idea of what

is important ; and that the Liturgy, which was illegally enforced, was likewise subversive of the religion of the community, as established by law. Now I should imagine that nothing in the form of worship or doctrine is futile which people think otherwise. Men will never agree upon that subject, and it is quite enough that principles abhorred by the nation were arbitrarily imposed. It is singular that this author sets out with the just principle that nothing can be unimportant in religion, and yet that he should have lost sight of it when most required.

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draw them back to a species of union with a church they have abandoned, cannot overcome a feeling of indignation towards the class so favoured; and it ought always to be remembered, that while the Covenanters were merely intent upon preserving the religion and law of their native country, which the bulk of the nation heartily revered, the policy of Charles was destructive of both, against the express wishes of the people.

The king's
opinion of
the Cove-
nant.

This league was considered by the king and his advisers as the most horrid rebellion to authority, and stamped with every reproach which rage could furnish to disappointed ambition. It was a feature of his character, never to yield to the demands of his subjects till the hour of conciliation was past. When he did give his tardy consent to any demand, therefore, as it was evidently the effect of compulsion, (after too his withholding it had forced the people on fresh measures for their security, or on such as had inspired success of compelling him to submit to still greater concessions,) so it was ever received as the offspring of insincerity that concealed a purpose of recovering his ground on the first opportunity. In the present instance, the representations of the council, communicated by Sir John Hamilton the justice-clerk, who was dispatched on purpose, as well as the advice of Traquair and Roxburgh, were lost upon him. And, as the Covenanters daily increased in strength, their demands rose in proportion. They now petitioned not only against the Canons and Liturgy, but to be relieved of 'the High Commission, as from a burthen which they feared and felt to be more heavy than they should be able to bear,' and to have the powers of the prelates restrained, the privileges of assemblies restored, and a parliament called.

Marquis
Hamilton
sent to
Scotland
as the
king's com-
missioner,
May 1638.

Charles was not moved to recede from his arbitrary innovations, but he wanted a proper military power to enforce them. It was, therefore, his object to dissolve the confederacy by stratagem, and, at all events, to temporise till a sufficient army was raised. For this purpose, the Marquis Hamilton, a nobleman who had been

much indebted to the royal bounty, and professed unlimited devotion to his master, was sent down as commissioner. He carried with him two royal declarations, which could have no other effect than to inflame the people farther. That the acts of council which enforced the Canons and Liturgy should be annulled, and that these ecclesiastical novelties should not be pressed, 'but in such a fair way as should satisfy all his loving subjects;' and that the High Commission should be restrained within such limits 'as not to be a just cause of grievance to his subjects.' That all should be pardoned who instantly renounced the Covenant, and used every means for delivering up copies; but that they who continued refractory should be declared rebels, in all time coming; and that his majesty 'would use all the forcible means with which God hath armed royal authority' to reduce the stubborn and disobedient. The commissioner was authorised by his instructions, to exact an oath of the council, in favour of the royal measures, and to dismiss such as refused it; to convene the council wherever he thought fit, Edinburgh excepted; to proclaim traitor all who protested against his majesty's declarations; to admit of no petition against the five articles of Perth; to promise rewards to some leading men, in order to break their union, and to resort to any act of hostility which he deemed advisable if the people continued in their opposition; or, as it was denominated, rebellion. 'You shall declare,' says the 23d article of the Instructions, 'that if there be not sufficient strength within the kingdom to force the refractory to obedience, power shall come from England, and myself will come in person, being resolved to hazard my life, rather than suffer authority to be contemned.' The principle on which he acted had already been expressed by him in writing, under his own hand, that, 'so long as the covenant continued, he had no more power than the Duke of Venice.'*

* Burnet's *Mem.* p. 42 *et seq.*; nature of the instructions was known Baillie's *Lett.* vol. i. p. 70 *et seq.* The before the marquis left London. The

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At his departure from court, the commissioner was desired to write frequently to his master, and to Laud, the only English subject fully entrusted with Scottish affairs :* the private understanding seems to have been, that nothing farther could be accomplished by the marquis, than to ascertain exactly the strength and resources of the Covenanters, seduce or intimidate some of the leaders, and temporize with the great body, till his majesty's military preparations enabled him to crush the disaffected at once.

Proceed-
ings of the
king's com-
missioner.

On his arrival at Berwick, the commissioner received from the Earls of Roxburgh and Lauderdale, and Lord Lindsay who met him there, such accounts of the Covenanters as might have damped his hopes, if they were ever sanguine, and ought to have inclined him to advise conciliatory measures. But his information served only as a hint to warn the king to prepare a force to overpower them. His own self-importance, too, was mortified at the small respect paid to his high office. Instead of a vast concourse of people to welcome him to Scotland, he met with little respect till he arrived at Dalkeith, where the Secret Council, the Lords of Session, and such of the nobility as had not subscribed to the Covenant, waited upon him in great formality.†

As the first object of the commissioner was to inform himself exactly of the posture of affairs, he soon discovered that matters were in a far more formidable state for the crown than he had anticipated ; and that Lord Lindsay had rightly informed him at Berwick, that nothing short of recalling, not only the Canons and Liturgy, but the five articles of Perth, and summoning a parliament and general assembly of the church, would satisfy the people. Almost the whole council, though they had

Archbishop of St. Andrew's and the Bishop of Ross advised to raise the Highland clans ; but the Covenanters disappointed that project, by attaining the accession of the northern

districts (*Ibid.*).

* Burnet's *Mem.* p. 51.

† Burnet's *Mem.* p. 52 *et seq.* ;
Rush. vol. ii. p. 749 *et seq.* ; Baillie's
Let. vol. i. p. 78 *et seq.*

not subscribed to the Covenant, secretly favoured it. Sir Thomas Hope, the greatest lawyer of his time, though king's advocate, was really of the covenanting party; while even the Earls of Traquair, Roxburgh, and Southesk, the best affected to the royal cause, vexed the commissioner with limitations. Lorne, and some others, acted the part of *intercommuners*, or mediators.* He endeavoured to seduce or intimidate the chief of the covenanting nobility, the Earls of Rothes, Cassillis, *Montrose*, Loudon, and Lothian, and Lords Lindsay, Yester, Balmerino, and Cranston; but at this juncture, neither promises gained nor threats overawed them, while the proclamations, the nature of which had been ascertained, instead of satisfying, irritated all as a mockery, and proof, of a determined purpose to continue in an illegal course.† Nay, the prelates were so sore under their humiliation, that they could not refrain from gratifying their vanity, by giving the people to understand, that even in any concession his majesty was insincere.‡ A circumstance which occurred at this time, too, confirmed their worst apprehensions. A small vessel arrived in Leith Roads, with arms and ammunition for the crown; and the circumstance spread such alarm, that many proposed not only to arrest them, but to seize the Castle of Edinburgh, and force both the commissioner, the council, and session to take the Covenant. These violent courses were restrained by the more prudent; yet strict precautions were taken to prevent the arms and ammunition, which were carried, in the meantime, by the commissioner's orders to Dalkeith, from being conveyed to the castle. A watch of fifteen hundred citizens nightly guarded the city, particularly the gates; and the gentry themselves

* Baillie's *Let.* vol. i. p. 81 *et seq. et passim.*

† Burnet's *Mem.* p. 53, and Baillie's *Let.* vol. i. p. 81 *et seq.*

‡ 'The bishops,' says Baillie in a familiar letter on the occasion, 'are

so neglectful of their gracious master's honour, that, by their words and actions, they make the world suspect that the king has no intention to keep his word' (p. 64).

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were unremitting in their vigilance night and day.* Hence the marquis, if he had previously doubted it, became now fully aware of the correctness of the intimation given him at Berwick by Lord Lindsay. He therefore apprised the king, that he must either resolve upon yielding to the demands of the Covenanters, or quickly adopt certain measures which would infallibly insure success: dispatch his fleet with 2000 land forces, provide arms for the English northern counties, and garrison Berwick and Carlisle—the first with 1500 men, the last with 500; while he should send expresses to Holland in particular, to prevent the purchase of arms by the Covenanters. But he represented ‘that his majesty would consider how far in his wisdom he would connive at the madness of his own poor people, or how far in his justice he would punish their folly, assuring him the present madness was such, that nothing but force would make them quit their Covenant, and that they would all lay down their lives ere they would give it up.’†

The council met frequently at Dalkeith, and heard the supplicants: but nothing memorable occurred, except that when the Archbishop of St. Andrew’s appeared there as chancellor, not one of the covenanting lords would speak to him. The commissioner then proceeded to Edinburgh, and was on his road met by a crowd, which, according to some reports, amounted to sixty thousand, amongst whom were five hundred clergy arranged on an eminence; and the individual amongst them of strongest lungs, Mr. W. Livingston, was deputed to address him on the public grievances. But Dr. Balcanqual, who had accompanied the marquis as his chaplain, and expected an archbishopric for his services, persuaded him that the address was a studied declamation against episcopacy, which, it is said, was a mistake, and the commissioner declined to hear it. At the sight of so many thousands,

* Burnet’s *Mem.* pp. 52, 53; Baillie’s *Let.* vol. i. p. 79 *et seq.*

† Burnet’s *Mem.* p. 53 *et seq.*; see also Baillie’s *Let.* vol. i. p. 84.

in a manner the whole country, so earnestly and humbly crying for the safety of their liberties and religion,*—the marquis was moved, even to tears, and professed his wish that king Charles himself had seen so affecting a spectacle. From his courteous and affable deportment, and the fairness of his private speeches, many entertained hopes of his yielding to all their demands; but these hopes vanished when he intimated that his powers extended no farther than to authorise the publishing of the declaration he had brought with him.

His instructions and the nature of the declaration had been ascertained by the Covenanters before he left London, such were their vigilance and means of acquiring information; but they appeared to have flattered themselves with the hope that he brought with him some secret authority which had been granted within the knowledge of his master and Laud only. He now prepared to publish his declaration; and when he was informed that a protest was prepared against it, he laboured by threats and promises to prevent what he conceived, with Charles himself, to be an insult upon regal authority. But the Covenanters were neither to be frightened nor won; and, as he still persisted in his purpose, he announced his intention to support the herald in person, and make all the protesters be denounced rebels. Preparations were accordingly made at the cross; but, on the other hand, a scaffold opposite the cross was erected for the protesters; the people assembled, and some thousand gentlemen, sword in hand, took their station to protect their official men in their duty. The commissioner, upon hearing of this, ordered horses, and as it was immediately conceived that the object was to publish the declaration in other towns, the popular party ordered their horses likewise, that they might instantly accompany the declaration with their protestations; while, lest any advantage should be

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Commissioner determines to publish a proclamation—protestation against it.

* Baillie's *Let.* vol. i. p. 82 *et seq.*

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II.Policy of
the com-
missioner.

taken, protesters were provided for every burgh to which it was likely to be sent. This obliged the commissioner to drop his intention for the present.*

Hamilton, following his instructions, now endeavoured to amuse the Covenanters with false hopes, and to engage them in negotiations till the king should be prepared to crush them with military force. But the policy did not elude the vigilance of those whom it was intended to beguile to their ruin; and they too were not idle in preparing for defence. Though they were averse from any league with France, lest it might have the effect of uniting all parties in England against them, they had sounded the inclinations of the French court, which they had discovered to be rather favourable, and arms were secretly provided in Holland. All this was again suspected by the commissioner, and measures were adopted to frustrate their schemes; so that each party saw through the game of its antagonist.† How far the commissioner was enjoined to mislead the people, appears by his master's letters, which, unfortunately for his memory, are still extant, and fully establish that he was actuated by very different motives from the pious ones so liberally ascribed to him. These letters somewhat break the thread of the narrative; but they are too characteristic to need any apology for inserting them.

King's
conduct.June 11,
1638.

‘HAMILTON,—Though I answered not yours of the fourth, yet I assure you that I have not been idle, so that I hope by the next week I shall send you some good assurance of the advancing of our preparations. This I say not to make you precipitate anything, (for I like of all you have hitherto done, and even of that which I find you mind to do,) but to shew you that I mean to stick to my grounds; and that I expect not anything can reduce that people to their obedience but only force. I thank you for the clearness of your advertisements, of all which

* Burnet's *Mem.* p. 54 *et seq.*; Baillie's *Let.* vol. i. p. 82; *Hist. Inf.* p. 293 *et seq.*

† Baillie, *Ibid.*

none troubles me so much as that, in a manner, they have possessed themselves of the Castle of Edinburgh; and, likewise, I hold Stirling as good as lost. As for the dividing of my declaration, I find it most fit, in that way you have resolved it; to which I shall add, that I am content to forbear the latter part thereof, *until you hear my fleet hath set sail for Scotland.* In the meantime, your care must be how to dissolve the multitude, and, if it be possible, to possess yourself of my castles of Edinburgh and Stirling, which I do not expect. And to this end I give you leave to flatter them with what hopes you please, so you engage not me against my grounds; and, in particular, that you consent not to the calling of a parliament; nor general assembly, until the Covenant be disavowed and given up; your chief end being now to win time, that they may not commit public follies until I be ready to suppress them: and since it is, as you well observe, my own people which, by this means, will be for a time ruined, so that the loss must be inevitably *mine*; and this, if I could eschew, (were it not with a greater,) were well. But when I consider, that not only now my crown, but my reputation, for ever lies at stake, I must rather suffer the first, that time will help, than this last, which is irreparable. This I have written to no other end than to show you I will rather die than yield to those impertinent and damnable demands, as you rightly call them; for it is all one, as to yield to be no king in a very short time.' In a postscript, he desires him not to declare the adherers to the Covenant traitors, till he heard that the fleet had sailed,—and again recommends the gaining of time. In a letter, dated two days later, Charles promises to take Hamilton's advice, to stop the public preparations, but intimates his intention to proceed silently: and advises him 'to get a considerable number of sessioners and advocates to give an opinion, that the Covenant is at least against law, if not traitorous;' clearly proving, that, in his estimation, the law was subordinate to prero-

June 13,
1638.

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June 20,
1638.

gative. In another letter, dated on the 20th, he mentions his preparations, his funds, &c. ; and then he says, 'Thus you may see, that I intend not to yield to the demands of those traitors, the Covenanters, who, I think, will declare themselves so by their actions, before I shall do it by my proclamation ; which I shall not be sorry for, so that it be without the personal hurt of you, or any of my honest servants, or the taking of any English place. This is to shew you that I care not for their affronting or disobeying my declaration, so that it go not to open mischief, and that *I may have some time to end my preparations.*' Charles and his advisers captiously laid hold of the bond of mutual defence in the Covenant as exclusive of the support of his person. And as nothing was farther from the intention of the Covenanters, than to trench even upon the lawful prerogative, they agreed to an explanation, though they perceived that it was sought to create delay. Now, in a letter dated five days posterior to this, he thanks the marquis for his labours, particularly as he had been disheartened by his fellow-councillors ; and proceeds thus : 'There be two things in your letter that require answer, to wit, the answer to their petition, and concerning the explanation of their damnable covenant : for the first, the telling you that I have not changed my mind in this particular, is answer sufficient, *since it was both foreseen by me and fully debated betwixt us two* before your down-going ; and for the other, I will only say, that so long as this Covenant is in force, whether it be with or without explanation, I have no more power in Scotland than as a duke of Venice, which I will rather die than suffer. Yet I commend the giving ear to the explanation, or anything else to win time, which now I see is one of your chiefest cares, wherefore I need not recommend it to you.'*

These letters at once solve the question as to this

* Burnet's *Mem.* p. 55 *et seq.*

June 25,
1638.

prince's sincerity ; and whether piety, or a cold selfish love of power, were his ruling passion ; whether he loved his native country, or respected her laws and happiness. It is impossible indeed to conceive a more melancholy picture of a heart corrupted by power into a perfect indifference to the rights and fate of a people whom he had been appointed to govern. He admits that their ruin was the inevitable consequence of his measures ; but they had provoked their fate by opposing his pretensions ; and he regarded it only in so far as it affected himself, through the destruction of his own property, which he accounted his subjects. This, however, could not be permitted to stand in competition with his preposterous ideas of honour. As to the law, he studied merely how to corrupt its ministers, that it might be rendered subservient to his selfish lust of dominion.

Having amused the people for a time, the commissioner requested leave of his majesty to return to court, being anxious to gain time, to inform his master fully of the posture of affairs, and to ascertain the exact state of the military preparations. He also wished to try what could be done to establish the Confession of Faith of 1560, ratified by parliament this year, and again in 1567, which he conceived would quiet the popular fears of innovation, and thus gain a party of the Covenanters, or at least make the royal cause appear more favourable to the world. The plan pleased Charles, who yet desired Hamilton to assure his few adherents that he would neither desert his ground nor them. The commissioner having obtained this liberty, pretends to entertain hopes by his presence to procure more favourable terms ; and intimated that he had a proclamation which would greatly satisfy the general mind. The expectations of the people ran high. They doubted not, what the commissioner seems to have intimated, that it would at least free them from the Liturgy ; but the bishops could not suppress the knowledge which consoled them for present degradation. The declaration, when pro-

The commissioner's
first journey to
London.

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claimed, fell far short of the character that had been previously given of it, and of the people's expectations, being only the first part of that which the commissioner had brought down with him. 'We all marvel,' says Baillie, 'that ever the commissioner could think to give satisfaction to any living soul by such a declaration, which yet he oft professed with much confidence of that piece before it was heard. There must be here some mystery which yet is not open.' It met with a protestation, drawn with great deference to the prince, but with ability and judgment. The Covenanters complain that their proceedings were stigmatised as disorderly and seditious; that his majesty, while he declares his abhorrence of innovation, merely promises not to press the Canons and Liturgy, but in such a legal way as should satisfy all his good subjects, indicating that they were neither superstitious nor illegal; and that instead of abolishing the High Commission, which had been established without legislative authority, he merely promises to rectify it. They then declared that a parliament and an assembly only could remove these evils. In the afternoon the commissioner was told by Lord Loudon, when he signified his intention to get the council to approve of the declaration, that he knew of no other bands between a king and his subjects, but those of religion and laws; and though, with the exception of two, Lorne and Southesk, the council, at the instance of Hamilton, did subscribe an approbation of it, they quickly repented, and tore the paper in pieces. A parliament and an assembly were strenuously insisted for: the commissioner was informed that if he did not return with powers to call the latter, it should be summoned without the royal authority.*

Hamilton, on reaching the English capital, discovered that the king's preparations were not yet in a posture to warrant a breach; and by representing the strength

* * Baillie's *Let.* vol. i. p. 82 *et seq.*; *Hist. Inform. MS.* p. 419 *et seq.*; *Large Declar.* pp. 90-95 *et seq.*

and enthusiasm of the Covenanters, together with the temper of the council, he induced his master to make greater though not more satisfactory concessions. An assembly was to be called ; yet under conditions destructive of its rights. That bishops, who had been obtruded as moderators of presbyteries by an act of a packed assembly in the former reign, should be received as constituent members ; that all ministers lately deposed should be restored, and none who had not been admitted by bishops should exercise the clerical function ; and that the clergy only should be eligible—a course which, together with the restriction of the body to those who had been admitted to holy orders by the bishops, was calculated to render an assembly the instrument of the crown. Lest, however, these precautions should fail, the commissioner was instructed to recommend, that the bishops should protest against the proceedings, in order to afford a pretext for annulling them. To such conditions the Covenanters could not agree.* They assigned their reasons in a respectful, yet firm tone ; and intimated, that as the church had an inherent right to summon assemblies, so one would be called without his majesty's consent, if it was still withheld.† The commissioner proposed another journey to London, holding out the delusive hope of accommodation, while his object was to gain time, as well as to show the king how necessary it was, either to break with the Covenanters, or yield to their terms. On his way south, he stopt at Broxmouth, the seat of the Earl of Roxburgh, near Dunbar ; where certain articles of advice to his majesty were concerted by himself and the Earls of Traquair, Roxburgh, and Southesk. That, as the causes of all the late distractions were the fear of religious innovation, by the introduction of the Canons and Liturgy, against the forms of the church ; the enormous unbounded power of the bishops in the High Commission, (a court erected not

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II.

King agrees to grant an assembly under certain conditions.

The commissioner's second journey to London.

* See Balfour's *Annals*.

† Burnet's *Memorials*, p. 70.

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only without legislative authority, but expressly against the statute law, which declares all judicatories established without an act of parliament to be of no force;)* the five articles of Perth, even episcopacy itself,—they advised his majesty to dispense with all these but the last; and even with regard to it they observe, ‘although we conceive episcopacy *to be a church government most agreeable with monarchy*, yet the illimited power which the lords of the clergy of this kingdom have of late assumed to themselves, in admitting and deposing of ministers, and in divers other of their acts and proceedings, gives us just ground humbly to beg, that your majesty may be pleased to remit to the consideration of the Assembly this their unwarranted power.’ By such concessions, and an unconditional pardon to all, these noblemen conceived that the present discontent should be allayed; or, if any stood out, they might be overwhelmed by the power of government, without military force. The advice had its effect. Hamilton returned to Scotland, with powers to recal, unconditionally, the Canons and Liturgy, and the High Commission; to suspend the five articles of Perth, and to summon a parliament, and an assembly in which the prelates might be prosecuted, and the episcopal government restrained within the limits of the law. But, in order to supersede the Covenant, he unfortunately brought with him, according to his own recommendation, a renewal of what was called the negative confession of faith, with the bond subscribed by the late king in the year 1589; a confession which both grieved and alarmed the episcopal clergy, and in which the errors of Popery are stamped with the same reprobation as in that which had been lately subscribed in Scotland. Had such terms been proposed earlier, all discontent might have been allayed; or could the Covenanters even now have trusted to the king’s sincerity, that desirable object might have been accomplished. But, as

* Burnet’s *Memorials*, p. 70.

the marquis was instructed to sow dissension between the laity and clergy of the Covenanters, by infusing into the first, particularly the nobility, that the clergy, if not restrained, would soon obtain a superiority over themselves; into the latter, that if the nobility were gratified in their views of lay elders, the clergy's influence would cease; and, as there was subjoined to the negative confession, a bond to maintain the established religion as at present professed; which, however suitable to the state of affairs in 1589, could only be productive of dissension now, (since, in the present unsettled posture of things, it was impossible to say what was established,) these conditions failed to satisfy the people. It was Charles's misfortune never to make a concession with sincerity; and as his reservations were discovered, they naturally recoiled upon their author. By the words, 'as at present professed,' he wished his subjects to understand the Presbyterian establishment, while himself meant the episcopal; and it must have given no favourable idea of his candour, to subscribe articles so inconsistent with the principles which it had been the darling object of his reign to obtrude upon three kingdoms. The council, after deliberation, subscribed the confession, and the Covenanters protested against it.*

The covenanting lords were not idle in their preparations for the approaching Assembly, and even the Presbyterian clergy seem to have entered into the feelings artfully disseminated by the commissioner: but the lay elders, who were revived, outnumbered the clerical, while their rank and influence in society were calculated to add a weight to their measures which the other never could have attained. Hamilton at once perceived the natural fruits of this meeting, that episcopacy would be overturned, and advised his master to proceed with his military preparations, to levy soldiers in Holland, and secure

* Burnet's *Mem.* p. 72 *et seq.*;
Baillie, vol. i. p. 80 *et seq.* These
Letters afford by far the most cor-

rect picture of Scottish affairs, and
the springs of action.

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Berwick ; while it should be his study how to discover nullities in the Assembly, upon which a pretext might be got for dissolving it. The bishops trembled so for their office, that they advised a prorogation before its meeting : but the king concurred with Hamilton in conceiving this inconsistent with his honour, and that it was more advisable to contest the legality of the elections, to insist upon assessors for the crown being admitted as members, and to admit the bishops' declinature, whereby grounds would easily be got for a dissolution : ' as for the opinions of the clergy,' says he, ' to prorogue this Assembly, I utterly dislike them, for I should more hurt my reputation by not keeping it, than their mad acts can prejudice my service, wherefore I command you hold your day ; but, as you write, if you can break them by nullities in their proceedings, nothing better. Lastly, concerning assessors, I like their names, and, as you say, you must not suffer me to lose my privileges.*'

Having concerted matters thus far, a declinature for the bishops, or protest against the lawfulness of the assembly, was revised by Charles himself as a pretext for its dissolution. The Assembly met at Glasgow, as in a quarter most devoted to the commissioner ; and, notwithstanding the measures taken to annul it, and to subdue the country by force, Hamilton, in his address, dared to use such language as this : ' The next false, and indeed foul and devilish surmise, wherewith his good subjects have been misled, is, that nothing promised in his majesty's last most gracious proclamation, though most ungraciously received, was ever intended to be performed, not the Assembly itself, but that only time was to be gained till his majesty, by arms, might oppress this his own native kingdom, than which report hell itself could not have raised a blacker.' † The declinature of the prelates was rejected, and the protest for the bishops was

Assembly
at Glas-
gow, No-
vember 21,
1638.

* Burnet's *Mem.* p. 87 *et seq.*

† *Ibid.* p. 94.

presented before the choice of a moderator; but the Assembly refused to enter upon business till they were regularly constituted. Alexander Henderson, the presbyter of greatest capacity in affairs, was chosen moderator, and the commissions of the members were ratified. Under the pretext of this, as well as that the Assembly could not be judge of its own nullities, &c., the commissioner declared it dissolved.

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This imprudent measure, as it had been previously concerted, so it was adopted, without the assent of the council, whom, on the interrogatory of Lorne, now, by the death of his father, earl of Argyle, the commissioner informed that his majesty had given him positive instructions, and therefore he could not admit of a debate. The Assembly, composed of men who had determined to meet without the royal assent, were not, at this stage of the business, to be deterred from prosecuting their views; and the Earl of Argyle, who had hitherto acted the part of *intercommuner*, in hopes of preventing a breach, openly joined them. This was a most important accession: the talents of Argyle far surpassed those of his brother peers; his character, unblemished by the personal vices which too frequently accompany high fortune, joined to his influence in society, at once designated him as a leader. His conduct now was denounced by his enemies as a treacherous desertion of the prerogative, which, in the capacity of a councillor, he was alleged to have hitherto supported; but, in truth, his principles had been uniformly favourable to the common cause; his adherence to the council having been merely as an *intercommuner*, in order to preserve alike religion and peace.* Interested

Argyle declares for the Covenantant.

* Mr. Laing imagined he had made a discovery in a passage of *Straff. Disp.* vol. ii. p. 325, but he had not even attended to the nature of that very passage, for it implies that Argyle's principles were the cause of the plot with Antrim, though his knowledge of that plot

was supposed, and probably with reason, to make him declare for the Covenant (that is, depart from his character of mediator, which such a plot proved to be fruitless), earlier than he intended. In a letter to Strafford, Antrim early charged Argyle with possessing a part of his

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motives will ever be imputed to public men, and these he has not escaped ; yet it is creditable to him never to have been guilty of tergiversation even while in office. His mediation between the king and his subjects begot the strongest enmity in the bishops, and a plan (which he discovered) was in consequence treacherously devised for depriving him of his lands by an invasion from Ireland, of the Earl of Antrim, who pretended a title to part of his estate.

Act of the
Assembly.

Under such a leader they boldly proceeded in their measures. The preceding assemblies, packed by the crown, were declared null, the articles of Perth abrogated, episcopacy itself abolished, and the rights of presbyteries fully restored. The trial of the bishops succeeded ; and while the gross indecency and irregularity of their lives leave us not room to deplore their degradation, the Assembly found likewise sufficient grounds in their usurped authority, and in the nature of their doctrine.*

Charles had long been preparing for war, and he now determined to commence it. In one instance he had indeed been disappointed : a negotiation with the regency of the Spanish Netherlands for 6000 veterans, to be exchanged for Irish recruits, was defeated by the dis-

(Antrim's) predecessor's lands, and intimated that Argyle was providing men and arms, with all the power he had, giving out an intention to encounter Antrim. Antrim, while he professes his ignorance of Argyle's intentions, mentions that he had moved 'the king for arms for his majesty's service and the better defence of his country' (Ed. vol. ii. p. 84). Argyle, however, continued to mediate long after the discovery of the plot to invade his country. Had Mr. Laing looked to pp. 210, 220, 225, 247, 266, 290, even of the same volume, he would have discovered his mistake (Burnet's *Mem.* p. 53 ; Guthry, p. 31).

This author does injustice to Argyle by ascribing to him language in the General Assembly at Glasgow, which, it is evident from other authorities, he could never use (p. 41.) ; but he followed the Large Declaration (see Hardwicke's *State Papers*, vol. ii. pp. 106-115).

* Baillie's *History of the General Assembly* held at Glasgow in 1638, in vol. i. of his *Let.*, from pp. 91-149. See also an account of the primate and chancellor in p. 54. He renounced his chancellorship for £2500 sterling (see Burnet's *Mem.* p. 79). He was notoriously bankrupt (see Hardwicke's *State Papers*, vol. ii. p. 114).

asters of Spain.* But a formidable train of artillery had been provided, some troops procured from Ireland, and levies were resorted to throughout England. Hamilton, too, had persuaded himself that by stopping their trade, on which, though limited, they greatly depended, the Scots might easily be reduced. Notwithstanding the extortions from the subject, the great gifts to favourites, the support of twenty-four palaces, and the purchase of paintings, expense of masks, &c., had, together with the previous debt, left the exchequer without sufficient funds for the support of a war. Loans were therefore exacted from the nobility, contributions asked of the clergy, and gifts, at the instigation of the queen, were contributed by the Papists in support of an episcopal war, a contribution which met with a check from the Pope, who had been disappointed in his expectation of recovering the spiritual dominion of the British Isles.†

The Scots had also been busy: arms had been long providing on the Continent: a small supply of money had been obtained from Richelieu: their agents had been active with all the popular party in England, who were taught to consider the Scotch their own cause: and the Covenant had been transmitted for the subscription of their countrymen in the Swedish service. Alexander Leslie, a distinguished officer, was invited by Rothes, in the name of the Covenanters, to take the command of the army.‡ The country was divided into districts, and the volunteers everywhere trained.§ When, too, they found themselves denounced rebels, they summoned home many officers from the Continent, who had served under

* Clarendon's *State Papers*, vol. ii. p. 23.

† See his *Letter* in Rush. and Hardwicke, and Clarendon's *State Papers*, vol. ii. The negotiation with the Pope seems to have been broken off about this time, and Laud's book was republished by the king's order (see also Rush. vol. ii. p. 790 *et seq.*; see Straff. *Lett. and Disp.*

vol. ii. pp. 186-188, 190-192; Hardwicke's *State Papers*, vol. ii. p. 118 *et seq.*)

‡ Burnet's *Memorials*, p. 116.

§ See Hardwicke's *State Papers*, vol. ii. p. 124. N.B. The whole papers relative to the Scottish troubles in this collection, throw great light upon this portion of history. Sir Thomas Hope, the king's

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Gustavus Adolphus; defeated a scheme of Wentworth to surprise Dumbarton Castle; took Edinburgh Castle;* fortified Dalkeith with the arms deposited there; and put other places in a posture of defence. Other most prudent military arrangements were likewise adopted; while such was the zeal to prepare Leith for resistance, that all ranks, ages, and sexes emulated each other in carrying sand and rubbish, as well as other materials.†

Effect of
Scottish
affairs on
the Eng-
lish.

Scottish affairs had been so cautiously concealed by the king, that, except Laud and Wentworth, the cabinet was not entrusted with a knowledge of them, and such of the English aristocracy as were attached to the court were surprised at the mention of an insurrection in Scotland, a country to whose condition they were greater strangers than to that of the continental states. But the popular party, especially they who had been imprisoned for ship-money, or were averse to the new ceremonies, and perhaps even to episcopacy, considered the Scottish cause as their own. The levies were, therefore, murmured at as unconstitutional, the trained bands insisting that they were not obliged to follow the king out of the country, and the Lords Say and Brooke declared that they could not be responsible to parliament for engaging in such a business. Ireland had been goaded almost to madness by the arbitrary measures of Wentworth, a minister whose government, it has been well observed, raised up against him a greater degree of personal hostility than was ever perhaps the fate of any individual, Verres excepted. Hence the troops which could be spared from that country were insignificant. Even the English Catholics, as we have seen, were desired by his holiness to desist from their

advocate, while his sons were active with the Covenanters, affected himself to come down to a much later period—(see his *Diary*, p. 114 *et seq.*)—to be with them in religion yet never to own to join on civil grounds—for obedience to the command of the king he regarded as God's command (p. 79.), yet gave to his wife

or other lady a sum to be contributed to the common cause. 'Given to hir 5 rosnoblis for the contribution to the common cause made be women' (p. 96).

* Burnet's *Memorials*, p. 116 *seq.*

† *Ibid.* p. 114; Baillie, *Let.* p. 158 *et seq.*

contributions for support of the war, as it was not their duty to join with the political party, which had not acknowledged his supremacy. To conciliate the English, Charles recalled patents and monopolies; but this, however welcome in itself, was too evidently the offspring of temporary policy to effect the object, and the general hope was, that the Scottish troubles would lead to a parliament.*

Charles marched to the borders in mighty parade: some of the nobility even injured their circumstances for his entertainment; and those of the aristocracy that held their estates upon the old and obsolete condition of serving against the Scots, were confidently summoned to the royal banners. What, however, the army thus gained in numbers, it lost in consistency. But Charles flattered himself that by ruining the Scottish trade by his shipping, he would reduce the people to such straits, or despair, that the very pomp of his preparations would dissipate their army.†

King
marches
with an
army to
subdue the
Scots,
1639.

Charles appointed Hamilton to the command of the fleet, and empowered him to assail the Scots with fire and sword. He directed a portion of his forces to enter Scotland by Kelso, while the main army approached by Berwick and Coldstream. The main body of the Scots took their station on Dunse-Law; a detachment under Munro intercepted the invaders by Kelso. In cavalry, Charles was superior; in infantry, and in short in the number of troops, the Scots excelled. But they excelled far more in discipline, and in the ability of their general, nay even of their inferior commanders. The Scottish troops were chiefly athletic young ploughmen, of the most devout

Military
operations.

* Clarendon *State Papers*, vol. ii. p. 42 *et seq.*; Whitelocke, p. 30; Hardwicke's *State Papers*, vol. ii. p. 126; Rush. vol. iii. p. 915; Straff. *Lett. and Disp.* vol. ii. pp. 286-7; Sidney *Papers*, vol. ii. p. 591; Baillie, *Lett.* p. 184.

† Clar. vol. i. p. 195 *et seq.* Yet

it had been anticipated by him, that the English nobility and gentry would not engage in an offensive war with Scotland; and he soon perceived that he had not been much mistaken (Rush. vol. iii. p. 936; Nalson, vol. i. p. 231; see also Clar. *Hist.* and Baillie).

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and sober habits. The nobility eagerly testified their zeal to the cause, while, contrary to the apprehensions of many, they exhibited the readiest obedience to the general, who, though diminutive, distorted, and old, gave proof of uncommon energy and ability for the station. Accustomed to command mercenary soldiers, it was scarcely to have been expected that he should at once mark the different treatment which became the volunteers whom he now commanded; but, as he perceived the true line of policy, he conciliated all. The most proper dispositions were made to supply the troops with provisions: the ministers continued to remind them of their duty by the most pious exhortations: their colours were inscribed with the crown and covenant of Christ; and the soldiers were summoned to devotion by the drum.

On the other hand, the English general, Arundel, was unqualified for the command: the leading men in the camp were averse to the war: the common soldiers, while much worse disciplined than their opponents, were so far from having any of their enthusiasm, that they were infected with the general spirit so prevalent in England. Had, therefore, the Scotch army acted on the offensive, it is probable that the English would have sustained a total defeat: but, as they had reluctantly taken arms, so they were anxious for accommodation; and in spite of all the illegal measures of the crown, still felt an ardent affection for their king. Besides, they dreaded the effect of routing the royal army, as the English, who were at present disposed to favour them, might resent the disgrace to their king and country.* Charles had flattered himself with the idea of gaining many adherents, by proclaiming a pardon for the past, and offering the conditions proposed to the assembly at Glasgow; but denouncing all those who should refuse to submit on such terms, traitors, and disposing of their lands to their tenants or vassals who embraced the side of regal power, and the feudal holdings of the vassals

* Baillie, vol. i. p. 182.

to the superiors of whom they held, and likewise the property of tenants who adhered to the Covenant to the superiors and landowners who took the opposite side. 'This wise plot,' says Baillie, 'proved as pedantic a policy as all the former had done; not a man regarded the favour; all were more enraged with that lawless condemning and alienating of lands.'*

Lord Holland advanced with his cavalry towards the army under Monro, but soon perceived the propriety of retreating: yet the Scottish army obeyed a proclamation not to advance within ten miles of the royal camp. Matters, however, hastened to a crisis. The Scots were destitute of the means of resting long on the defensive; that they possessed many advantages they were perfectly aware. The following picture of their moderation, drawn in a familiar letter by a covenanting minister who accompanied the army, is so very opposite to the opinion of matters generally entertained, that it deserves to be transcribed. 'We knew at once the great advantages we had of the king; yet such was our tenderness for his honour, that, with our hearts, we were ever willing to supplicate his offcoming. Yea, had we been ten times victorious in sett battels, it was our conclusion to have layd down our armes at his feet, and on our knees presented nought bot our first supplications. We had no other end of our warres; we sought no crownes; we aimed at no lands and honours as our partie; we desyred bot to keep our own in the service of our prince as our ancestors had done: we loved no new masters. Had our throne been voyd, and our voyces sought for the filling of Fergus's chaire, we would have died ere any other had sitten down on that fatall marble, bot Charles alone.'†

* Baillie, vol. i. pp. 165-178.

† *Ibid.* passage quoted at p. 215. The *Large Declaration* this writer pronounces 'an unexampled manifesto,' 'heaping up a rabble of the falsest calumnies that ever was put

into any one discourse that I had read' (p. 208). Hence little reliance can be placed on it; and I suspect that the story of Michelson the prophetess (p. 226.) is one of the forgeries of Balcanqual, Ross, and

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II.
Treaty.

The moderation of the Scots rapidly gained upon the English; and as Charles, disappointed in the hopes treacherously encouraged by Montrose, perceived that discomfiture would, in all probability, be the issue of a battle, he opened a negotiation.* The commissioners from the Scottish camp used the style of supplication, and matters might have at least been arranged upon a definite basis, had not the king personally intruded into the conference. At first the negotiation appeared to proceed smoothly; but so many grounds of delay began to be brought forward, that the Scots apprehended that they were studiously sought for, in order to starve an army that declined to avail itself of its superiority; and Leslie intimated his purpose to advance towards the royal camp. This had the desired effect; for, though the articles were unfortunately too indefinite, certain points were conceded, and principles understood. The commissioners insisted that his majesty should ratify the acts of the assembly held at Glasgow. This he refused; but he agreed to call a new assembly immediately, and to ratify its acts in a parliament which he promised to summon. The commissioners were willing to yield to this, provided he did not oblige them to renounce that assembly. He replied that he would not press it, but that that assembly should not be mentioned on either side. The commissioners urged the abolition of episcopacy. The king said that he would not prelimit his vote in the ensuing assembly, by declaring the nature of it beforehand. A royal declaration was

others. Burnet gives no authority, and Baillie and others never allude to it. Baillie says that had they seen the *Declaration* sooner, it would have stopt the treaty. The General Assembly afterwards supplicated that the book, on account of the many foul and false relations it contained, should be called in and reprobated by the king; while Balcanqual, and others concerned in the publication, should be given up for trial (Rush. vol. iii. p. 960). The reader will find

what is said of disaffection and the disappointment in the hope which had been based on promises of England's conjunction as in a common cause (see Baillie, p. 214 *et seq.*). 'Whoever attends to this will be satisfied that they did not, the next year, require the alleged perjury of Savelle to induce them to cross the Tweed.

* May, pp. 46-48; Burnet, pp. 139, 140.

afterwards published, in which Charles says that while he could not acknowledge the assembly held at Glasgow, he would call a new one, and ratify its acts.*

Had Charles entered into the negotiation with sincerity, any future quarrel on this ground might have been prevented. It was evident, and indeed is particularly stated in notes of advice for the king by Hamilton, that the next assembly would just adopt what had been enacted in the one at Glasgow; and his refusal to ratify the past could be regarded in no other light than as a punctilious adherence to a point which involved his own honour.†

Upon this understanding both armies were disbanded, and all forts held by the Scots were surrendered; but as they soon perceived the insincerity of their king,‡ they prudently retained the officers whom they had invited home from foreign service.§ Such, indeed, was the systematic want of candour of this prince, that he formally granted powers to the Marquis Hamilton to make proposals and promises, not with the view of leading to an agreement, but for the purpose of circumvention.||

The peace was, on the part of Charles, a most advisable measure; but it was not on that account a less humiliating one. To be forced into concessions by a people whose opposition to arbitrary power had been branded with every odious epithet—whose resources had been derided as inadequate to offer any resistance to the royal army, and to whose damnable demands, as he called them, he declared that he would rather die than submit, as they reduced his power to that of a duke of Venice, was a catastrophe calculated equally to humble his own pride, and to degrade him in the estimation of foreign states, as well as of

Consequences of the royal expedition and the peace.

* Burnet, p. 140 *et seq.*; Baillie, vol. i. p. 214, particularly p. 215 *et seq.*; Hardwicke's *State Papers*, vol. ii. p. 130 *et seq.*; Rush. vol. iii. p. 940.

† Burnet, p. 144.

‡ Straff. *Let.* vol. ii. p. 363.

§ Burnet, p. 156.

|| See the warrant in Hardwicke's *State Papers*, vol. ii. p. 141. This I suspect to be the ground of the story told by Clarendon (vol. i. p. 268 *et seq.*) to vilify Hamilton. or h were equally guilty.

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his English subjects : while successful resistance by a despised province, such Scotland had been too much considered, might rouse its southern neighbour to assert its rights. This last idea rankled deeply in the breast of the queen, of Laud, and of the courtiers in general, who, as if the Scottish army had been as despicable as their own wishes would have had it, and their own powerful as their presumption, found no other way to vent their spleen than by reproaches against the commanders. To such a height was this carried, that one would conclude from the relation of Clarendon, whose bigoted hatred of the Scots is equally discreditable to his head and heart, that to have reduced them it was merely necessary to have attempted it: for that they, who were in reality so numerous, and so well-disciplined and commanded, were comparatively few in number, ill-accoutred, and altogether untrained.*

The issue of this expedition, though dreaded by many of the Covenanters, as exposing them to the royal resentment, without attaining the object of the war,† brought credit to the Scots in proportion to the dishonour of the king. In the whole business, indeed, they had conducted themselves with great ability and admirable prudence. Their leaders were men of enlarged capacity and equal courage. The clergy, on whom they greatly depended, were profound scholars, and no despicable politicians. Nothing can be more misplaced than the ridicule which has been so profusely levelled at that body. They proved themselves ambitious; but, to be satisfied of their talents, and to admire their knowledge, it is only necessary to peruse their works. The writings of Baillie, even his familiar letters, breathe a manliness of spirit, and evince intelligence and erudition, that must for ever rescue from contempt, a class of which he did not conceive himself entitled to rank at the head. He is said to have been

* See *Clar. Hist.* vol. i. p. 201 *et seq.*

† Baillie, vol. i. at p. 218 *et seq.*

master of twelve or thirteen languages, and though the eulogy which has been pronounced upon the purity of his Latin composition has been latterly much questioned, yet the character of a true scholar remains unimpugned. The productions he gave to the world evince that his English style was, with the exception of a few provincialisms, generally beyond that of his contemporaries in the south; while his knowledge was as universal as his classical attainments were great. Alexander Henderson was the ecclesiastical organ of the party; and, according to the testimony of both sides, deservedly so. 'Upon him,' says an episcopal writer, 'all the ministry of that judgment depended; and no wonder,—for in gravity, learning, wisdom, and state policy, he far exceeded any of them.'

Charles had himself intended to preside in the assembly of the church, but the persuasions of Windebanke not to trust his person with such mutinous subjects, diverted him from his purpose.* When, therefore, his intention transpired, and he ordered fourteen of the chief Covenanters to meet him at Berwick, the greatest jealousy arose. Three of each estate at last undertook the office; and of the three peers, Montrose, Loudon, and Lothian, the first, whose previous treachery we have related, concerted a fresh treacherous correspondence with the king,—with whom had been previously tampering,—was seduced from his party and principles,† and afterwards became the most furious enemy of the cause he had formerly been the most forward to espouse. Hamilton, tired of painful pre-eminence, declined the office of commissioner,‡ and it was devolved upon Traquair. But, in the meantime, by the royal instructions, he acted the part of a spy, in drawing from the chief Covenanters, whom he had an opportunity of negotiating with, their intentions in the ensuing assembly and parliament.§

* Clarendon's *State Papers*, vol. ii. p. 56.

† See a character of Montrose by Marquis Hamilton, Hardwicke's

State Papers, vol. ii. p. 116; Baillie, vol. i. 188; Burnet, vol. i. p. 148.

‡ Burnet, p. 145 *et seq.*

§ Nalson, vol. i. p. 241 *et seq.*

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Insincerity
of the king.

Whatever Charles might apparently concede in regard to episcopacy, he was resolved to restore it; and his object now was to amuse with the specious appearance of yielding to the Covenanters, while he should retain a pretext for afterwards denying the meaning of the concession. The instructions to Traquair were the result of long and deep consultation betwixt the king, Hamilton, and Traquair himself; and the latter assisted him with a device as notable for its dexterity as for its perfidy—that, let the parliament abolish episcopacy, &c., there would still be good grounds for restoring them whenever his majesty was able to carry the measure; for that, as the bishops were, by the laws of Scotland, one of the three estates, no act passed without their concurrence, particularly if they protested against it, could be valid.

By his instructions, Traquair was authorised to consent to prohibit the Liturgy, but not as superstitious; to agree to abolish the Canons; and, rather than break with the Scots, even episcopacy itself, as contrary to the constitution of the Scottish church, but not as unlawful in a Christian church; to repeal the five articles of Perth, yet not as abjured in confessions of faith; and to remove the High Commission (which was constituted not only without law but contrary to the statutes), yet not as illegal. The first idea that these captious distinctions suggest is, that they were proposed, either to save the king's notion of honour, or prevent a claim for similar measures in England, on the ground that Episcopacy, the Canons, and Liturgy were unlawful in a religious sense. But the royal motive was nothing else than a refined duplicity to overreach his subjects. He instructs Traquair to conceal his intention: he desires him, after passing the acts, to take a protest that his majesty might object to anything prejudicial to his interest; he dispatches a letter in the handwriting of Hamilton, and interlined by Laud, to the Archbishop of St. Andrew's, assuring that divine that, however he might yield for a time, it should still be one

of his chiefest studies to rectify the government of the Scottish church, and to repair the bishop's losses. He instructs that primate to present a protestation, in the name of the prelates, against the ensuing assembly, by the hands of some mean person,—a protestation which was not even to be read or intimated to the assembly; and, says he, 'We promise to take it so into consideration as becometh a prince sensible of his own interest and honour, joined with the equity of your desires; and you may rest secure that, though perhaps we may give way for the present to that which may be both prejudicial to the church and our own government, yet we shall not leave thinking in time how to remedy both.'*

When the assembly met, it adopted the conclusions of the one held at Glasgow; but all allusion to it was studiously abstained from. The Liturgy, the Canons, the Articles of Perth, episcopacy, and its corrupt assemblies, were enumerated, in the language of the assembly, as superstitious, tyrannical, or adverse to the confession of faith; yet, to please the king, they were only condemned as unlawful in the Scottish church. The Covenant was explained in regard to the reservation of the royal authority, which had been captiously objected to; and, when the commissioner agreed to ratify those acts in the ensuing parliament, the intelligence was received with bonfires, ringing of bells, and every demonstration of joy.†

General
Assembly
of the
Church of
Scotland.

The news of these proceedings had a very different effect upon the king and his advisers. Besides the consequences which were apprehended from them on the English, Charles perceived that the words, unlawful in the Scottish Church, defeated all his fond hopes of overreaching that people: and instructions were transmitted to Traquair, not to consent in his majesty's name to the rescinding of any acts of parliament which had been

Secret in-
tentions of
the king.

* Burnet, pp. 49, 154, 156, 157; Nalson, vol. i. p. 244 *et seq.*

† Burnet's *Mem.* pp. 156-158.

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made in favour of episcopacy, for that he did not conceive his refusal to abolish those acts to be inconsistent with what he had already agreed to; and, says he, 'there is less danger in discovering any future intention of ours, or, at the best, letting them guess at the same, than if we should permit the rescinding those acts of parliament, which our father, with so much expense of time and industry, established, and which may hereafter be of so great use to us.' He concludes with declaring, that he would rather hazard a rupture than consent to abrogate them.*

But that which alarmed Charles most was the resolution to define the powers of the Lords of Articles, as well as judicatories in general. This resolution, in his opinion, proved that they aimed at nothing else than the overthrow of royal authority, and would justify him to the world in the anticipated breach. Whoever reflects for an instant upon the nature of the institution of the Lords of Articles as it existed at that time, and the gross abuse of it by the crown, as well as on the nature of the judicatories of which the people complained, will not hesitate to conclude that Charles conceived every indication of legislative power a usurpation on royal authority.

This letter was written before the meeting of parliament, upon intelligence of their intended proceedings.†

When the parliament did assemble, it evinced its moderation by allowing the commissioner to choose that number of peers as Lords of Articles, who had been on former occasions elected by the bishops; but this parliament, while its tenderness of touching whatever was supposed to belong to the prerogative, prevented it from exercising its right now, determined to provide against the recurrence of an evil which, in reality, extinguished its claim to the character of a legislative assembly. They protested against their present acquiescence being con-

* Burnet's *Mem.* pp. 8, 9; Nalson, vol. i. p. 255; Rush. vol. iii. p. 955.

† Burnet's *Mem.* p. 158; Rush. vol. iii. p. 949 *et seq.*; Nalson, vol. i. p. 255.

sidered as a precedent ; and prepared an article, which provided that each estate should thenceforth choose its own members to sit on the articles ; that the powers of the lords of the articles should be restricted to those of a committee, without that negative on debate which had heretofore proved so fatal to the independence of parliament ; and that their meetings should continue without interruption from the appointment of this committee till the confirmation of the articles.

There had been, as we have already shown, a practice introduced since the union of the crowns, of conferring patents of Scottish nobility on Englishmen who had not a foot of land on the north of the Tweed, and to obtain proxies from them for the purpose of giving a preponderance to the crown. To remedy this evil, it was provided by another article, that the gift of peerage should be confined to such as held property of a certain value within the Scottish territories. An insidious proposal, on the part of the crown, to substitute lay abbots for the spiritual estate, was on the same principle rejected ; it having been clearly foreseen, that, from the very nature of their nomination, they must be subservient to the throne. There was likewise a bill to prevent arbitrary proclamations,—an abuse which had originated with the late king ; and the powers of the privy council were defined. To ensure frequent meetings of the legislature, a bill was prepared for triennial parliaments.

The coin was miserably debased, and they directed their attention to a remedy. By other articles, the customs were to be regulated on definite principles, instead of arbitrary exactions ; and the national fortresses were to be entrusted to natives, elected by the advice of the estates, according to the old practice of Scotland. These were the chief articles, besides those which had been transmitted from the General Assembly for the confirmation of the legislature.*

* *Rescinded Acts ; Balfour's Annals.*

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II.Parlia-
ment pro-
rogued.

As yet nothing had been concluded, nor even debated in parliament; but Traquair, foreseeing the result, disappointed it by a short prorogation; a measure contrary to the fundamental principle of the Scottish parliament, by which, as adjournment and prorogation were words of similar import, that right had been ever exercised. Cautious, however, not to afford a pretext for a breach, the estates obeyed the order in the meantime, and dispatched commissioners to the king to represent against so unconstitutional a proceeding, and to obtain his majesty's command upon his commissioner to ratify the articles. But as the commissioners from parliament appeared at court without a warrant from his commissioner, Charles refused to hear them, and immediately commanded Traquair to prorogue the parliament till June following, or for about ten months, and to come up himself to give an account of his proceedings.

Conduct of
Traquair.

When Traquair reached court he was coldly received for having subscribed the Covenant; and his old enemies, the bishops, availed themselves of the circumstance to destroy his credit with the king. A man so unprincipled and ambitious could not hesitate about the means of recovering his ground. He immediately advised hostilities against his countrymen; and, as a pretext for war, showed a letter which had been written, but never dispatched, to the French king, for his assistance and protection. Such a letter, as it established the correspondence of a subject with a foreign potentate against his sovereign's interest, amounted to high treason by the law of Scotland; and Charles determined to take advantage of the law to crush some of his chief subjects of that country.*

Commis-
sioners
sent to
court by
the Cove-
nanters,

The Covenanters, to avoid a rupture, dispatched a messenger to court, to request leave to send some of their number for the purpose of vindicating their proceedings; and the request having been granted, the Earls of Loudon

* Burnet's *Mem.* p. 159 *et seq.*; Rush. vol. iii. p. 992 *et seq.*

and Dunfermline were again appointed commissioners for the general body. As public messengers, authorised by the king himself, these noblemen were entitled to expect personal security in their important mission; and, if Charles suspected them of any crime, he was bound to have ordered their impeachment in Scotland, where they were alleged to have committed it, and to whose laws alone they were amenable, while he left the Covenanters to a free choice of other commissioners. But the royal conduct was far different. Scarcely had they begun to vindicate the intended acts of their parliament as conformable to the principles of the Scottish constitution, when they were thrown into the Tower on a charge of high treason for having written a letter to the French king; and it was understood by some of the best informed, that not only without a trial, but even any charge, a warrant was issued for the private execution of Loudon on the following morning: but that Sir William Balfour, the lieutenant, finding his own remonstrances fruitless, applied to the Marquis Hamilton to use his influence against so horrid an act; and that the latter, entering his majesty's chamber at midnight, succeeded in having the warrant destroyed, by assuring Charles that Scotland would be irrecoverably lost, and that himself would instantly set off for that kingdom, to satisfy his countrymen that he had no part in such a transaction.* Loudon afterwards vindi-

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with the
king's con-
sent; and
their treat-
ment.

* This is so extraordinary an event, that I rejected it in the first instance; but, on maturer reflection, I have seen it in a different light. It does not appear ever to have been a popular story, for I do not find it alluded to in the letters of the times, and, therefore, cannot be supposed an invention to blacken the royal character. It is hinted at in Burnet's *Memoirs of the Hamiltons*, which were written at a period when he was a thorough courtier, and though that work was revised by Charles II. and his ministers, the passage does not appear to have been objected to:

it was afterwards told by Burnet in a party, and his testimony, which might be thought insufficient in itself, is corroborated by that of Scot of Scotstarvet, in his *Staggering State of Scottish Statesman*; an individual who was minister both of James I. and Charles I., while the work did not see the light till about the middle of the last century. See Birch's *Enquiry into the Transactions of Glamorgan*, App. and Preface; Scot's *Staggering State of Scottish Statesman*; Burnet's *Mem.* pp. 180-1; Rush. vol. iii. p. 99 *et seq.* But it has been argued, had this been true,

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cated himself from the charge on fair grounds: That the letter had not been finished, was undated, and not even addressed, *au Roi* having been added by another hand; and that, as it had not been dispatched, no criminal act had been committed: that the object of it, at the worst, was merely to procure the mediation of the French king with their own sovereign during the late troubles; and that, if there had been an offence, it fell under the act of oblivion in the late pacification at Berwick: that, at all events, he was ready to submit to a trial of his peers; but that, as he had gone to court upon the royal warrant, he had a right to demand a safe return as a freeman to his native country. His life was spared; but he lay many months a prisoner in the Tower.*

The Scots
prepare for
a second
war.

As the Scots foresaw the recommencement of hostilities, they prepared themselves for the event. The country was already not indifferently supplied with arms, and Leslie went to the Continent to provide more. Foreign states encouraged them, for Charles was no more a favourite abroad than at home.† The Dutch not only supplied them with arms on credit, but allowed native Scots in their service to return to their own country in this emergency, without forfeiting their rank in the army of that republic. The commissioners for the Scottish parliament too were resorted to by some leading men in England—by the Earls of Essex, Bedford, Holland, Lord

Balfour — who became a distinguished commander against Charles — would have published it (*Notes to the last edition of Burnet*). Charles and his advisers ever laboured under the delusion that the leading men, who merely gave utterance to the popular spirit, created it; and hence he must have flattered himself with accomplishing much by the removal of Loudon, an event which would have probably raised a more resolute one in his place.

The letter is said not to have been dispatched on account of some bad French; but the true cause appears

to have been a resolution not to apply for foreign aid till matters arrived at the last extremity; the Scots being sensible that, by such a step, they might raise England against them. This is clear from Baillie's *Letters*. See Hailes' *Coll.* p. 57, as to the French style. See the *Letters in the Journals of the Lords* (of the Eng. Parl.), for 13th and 16th April, 1640.

* Burnet's *Mem.* pp. 160-1; Clar. *Hist.* vol. i. p. 228 *et seq.*; Whitelocke, pp. 31, 32; May, pp. 56, 57.

† Hacket's *Life of Williams*, part ii. p. 137.

Say, Messrs. Hampden and Pym, and many other lords and gentlemen of great interest, including those that inclined to a republic. All these were deeply engaged from a hope of benefit or change from Scottish opposition.*

CHAP.
II.

The exchequer was so completely exhausted, that the servants of government could not obtain their wages,† and in spite of the judgment for the crown in Hampden's case, ship-money had been in all instances reluctantly paid, and in many flatly refused.‡ In this posture of affairs, Laud, Hamilton, and Wentworth advised the king to summon a parliament; and their motion was approved of by the whole council. As the object, however, was to deprive the sister kingdom of its privileges, the convening of the legislature could not be supposed to spring from any disposition to restore the rights of England; and a resolution voted at the council-board fully establishes with what spirit the measure originated: That should the parliament refuse to comply with the royal request, or prove peevish, the council would assist his majesty in extraordinary ways.§ All the proceedings in regard to this parliament, too, were merely a repetition of what had occurred in the three former: the eternal chime was, that his majesty's business could not brook delay; that a supply must be instantly granted, and therefore that his business must have the preference of all other; but that if his demands were satisfied, he would permit both houses to continue their session for settling their own affairs;—yet, though the resolution to call a parliament was taken on the 5th of December, the writs were issued for the 13th of April,—a fact which establishes beyond all doubt, that the object was not only to gain time for intrigue in the ensuing elec-

State of the king's affairs, and resolution to summon a parliament, December 5, 1639.

* Whitlocke, p. 32; Rush. vol. iii. p. 979.

† *Sidney State Papers*, vol. ii. p. 636.

‡ Rush. vol. iii. pp. 975, 977, 985, 991-2.

§ Laud's *Diary*; Clarendon's *State*

Papers, vol. ii. p. 81. This letter from Windebanke to Sir Arthur Hopeton, sets matters in a strong light. See also in *Sidney Papers*, vol. ii. p. 623, a Letter from the Earl of Northumberland to the Earl of Leicester.

CHAP. tions, but to defer the meeting till the plea of necessity
 II. for an instant grant should appear irresistible.

A parliament, after so long an interval, and such complicated sufferings from an arbitrary government, was, by the great body of the people, hailed as an auspicious event: but the courtiers, wherever they had influence, bestirred themselves, no less than the popular party, 'to have members of their principles returned; and there would appear to have been in the Lower House a considerable number of the former, or at least of individuals who did not choose to put themselves beyond the pale of court-preferment.*

Meeting of
 English
 parliament,
 April 13,
 1640.

Charles opened the parliament in person; but he committed the detail of business to the lord keeper Finch, the individual who had betrayed his duty to the last parliament, and had since carried the arbitrary principles of government to the very utmost limit. His speech now was as inconsistent with the canons of taste as the rules of constitutional law. He stated that 'his majesty's kingly resolutions were seated in the ark of his sacred breast, and it were a presumption of too high a nature for any Uzzah uncalled to touch it; yet,' continues he, 'the king is now pleased to lay by the shining beams of majesty, as Phœbus did to Phaeton, that the distance between sovereignty and subjection should not bar you from that filial freedom of access to his person and councils; only let us beware how, like the son of Clymene, we aim not at the guiding of the chariot, as if that were the only testimony of fatherly affection: and let us remember that, though the king sometimes lays by the beams and rays of majesty, he never lays by majesty itself.'—His detail of affairs, particularly of the Scottish, was in a similar strain: the conduct of that people he characterised as the most horridly rebellious that any age had ever witnessed; for that they had cast off the loyalty and obedience which, by the laws of God, of nature, and of nations, they owed unto

* Whitelocke, p. 32.

their sovereign; had taken up arms against the Lord's anointed; had seized upon the trophies of honour, and invested themselves with power and authority, while they had even applied to foreign states for assistance against their king: that Scotland was the part of the royal dominions whither all the rheums and fluxes of factious and seditious humours flowed; that the king had therefore resolved to reduce them by a powerful army, though, as he had been forced into such a measure, so he would make his piety and clemency towards them conspicuous to all the world, provided they humbly returned to their duty. But,' continues the keeper, 'his majesty will not endure to have his honour weighed at the common beam, nor admit any to step between him and his virtue; and, therefore, as he would upon no terms admit the mediation of any person whatsoever, so he should judge it high presumption in any to offer it.'—That the charge of an army for subduing the Scots must be considerable, while the royal coffers were drained, though whatever had been drawn from the subject had, like vapours exhaled from the earth, returned to it in refreshing showers: that debts had already been incurred upon the security of the king's personal estate, and the credit of his servants: that councils and deliberations which promised benefit might endure a debate; but that the present exigency was incapable of delay, and therefore that his majesty expected they would immediately grant a supply to enable him to take the field; while he pledged his royal word to give them time for other business afterwards.—Notwithstanding all that had passed about tonnage and poundage, he declared that the king had only taken the duty *de facto*, according to the example of former kings, who levied it from the deaths of their predecessors, till parliament had conferred it upon them by law; and that his majesty did not desire it but as the gift of his subjects.*

* *Journals of both Houses*; Rush. *Parl. Hist.* vol. ii. p. 528 *et seq.*; *Old* vol. iii. p. 1114 *et seq.*; Cobbett's *Parl. Hist.* vol. viii. p. 397 *et seq.*

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Had anything been wanting to satisfy the parliament that Charles, though he had called them, was predetermined to deny them the power of a free assembly, this speech must have been sufficient. But it failed in the intended effect. No sooner had the Commons chosen their speaker, and settled preliminary business, than they entered upon the state of the nation ; and petitions poured in from the counties against the numerous illegal measures which the kingdom had groaned under for so many years. Many members, but particularly Grimstone, Waller (the poet), and Pym, dwelt at great length upon the various grievances from arbitrary taxes, projects, and monopolies, whence had accrued great profit to individuals, little to the crown—religious innovations, arbitrary courts, and other proceedings. The records of the courts of King's Bench and Star Chamber were likewise called for, and the conduct of the speaker in the last parliament was inquired into. But, while they were thus proceeding with these weighty matters, they were summoned into the banqueting house before they had sat five days, that the lord keeper might propound to them the necessity of giving the king's business the preference to every other. The keeper again commented strongly upon the urgency of the occasion, stating, that his majesty's honour was engaged, and that the army would cost 100,000*l.* a month. That he might soothe them into compliance with the royal demand, he stated, that it had not been his majesty's intention to issue writs for ship-money this year, but that he had been since constrained to it for the purpose of preserving the sovereignty of the narrow seas, and repressing the insolence of the Algerines, who had now a fleet of sixty sail, and had taken many English vessels—one of them the *Rebecca*, worth no less than 260,000*l.* This last statement, however, could only serve to remind the house of the waste of that very treasure which had been so illegally extorted ; and every friend to constitutional liberty must

have been sensible that, by giving his vote for money to deprive the Scots of their rights, he put an engine into the royal hands for the extinction of their own.

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II.

Disappointed in this measure, Charles adopted another directly unconstitutional. He prevailed with the Upper House, over which his influence was great, to use their interest with the Lower to persuade it to vote a supply. The Lords declared that, as they had the word of a king, and not only of a king but of a gentleman, that he would afterwards listen to their grievances, they would no more be guilty of distrusting it than of the highest undutifulness. But their interference with the proceedings of the Commons roused the indignation of that house, and the latter required some time to vindicate their privileges by adequate resolutions. A conference, which was managed on the part of the Commons by Pym, St. John, and Holborn, was subsequently held between the houses about the various breaches of liberty and of the rights of property, as well as the innovations in religion; and it was clearly discovered, on a motion for a second, that the majority of the house were determined to give grievances the precedence of any money bill. On the 2nd of May, a message was delivered from the throne by Sir Henry Vane, that though his majesty had in various ways acquainted them with the urgency of the public danger, which threatened equally the whole state, his own honour, and that of the kingdom, and which could only be averted by immediate supply, he had received no answer to his demand; that he had already informed them that delay was no less destructive of his own and the general security and honour than denial; and that he again desired them to return an immediate answer, assuring them he still intended to keep his promise in regard to allowing them time for other business after his own was settled. The Commons instantly turned themselves into a grand committee to take the message into consideration; but though they continued the debate till six o'clock in the afternoon (at that time they

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II.

met always at eight in the morning, and rose generally at twelve),* they came to no determination; and they resolved to resume the subject at eight on the next Monday morning. But scarcely had they assembled when they received a second message by Sir Henry Vane, that his majesty would accept of twelve subsidies, to be paid in three years, and would in return consent to any law abolishing ship-money—a proposition which imported a right to that illegal tax; that if they complied with his demand, he would still allow them as much time as possible now for their own business, and assemble them again at Michaelmas; but that he expected an immediate and positive answer. They again turned themselves into a grand committee, and spent the whole day in debate; but as at six in the evening they had not arrived at any conclusion, they desired Sir Henry Vane to inform his majesty that they meant to resume the debate on the following morning. They met accordingly, but before they had entered on business, they were summoned by the usher of the black rod to attend the king in the Upper House. Charles having there complimented the Lords, and declared his displeasure at the Commons, commanded the lord keeper to dissolve the parliament.† Thus was it dissolved after it had sat about twenty days, though, according to Clarendon, it was not usual to enter upon any important business during the first fortnight, that there might be time for the appointment of committees and other preliminary matters;‡ but there is reason to believe that Charles and his advisers had formed a juster estimate of the Lower House than the noble historian; for that, though there might be many members disposed to promote the views of the court, the majority would never have voted away the public money to further schemes calculated primarily to subjugate the sister king-

Dissolu-
tion of the
parlia-
ment, May
5, 1640.

* Clar. vol. i. p. 233 *et seq.*
† *Journals of Lords and Commons*;
Old Parl. Hist. vol. viii. p. 420 *et seq.*;

Cob. *Parl. Hist.* vol. ii. p. 542 *et seq.*;
Rush. vol. iii. p. 1127 *et seq.*; May, p. 59.
‡ Clar. vol. i. p. 232 *et seq.*

dom, but, in the natural course of events, to extinguish British liberty for ever. Such, however, was the temper of the house, that some of the chief amongst the opposition so disliked it, that they could scarcely conceal their joy at the dissolution. Mr. St. John, with unusual satisfaction in his countenance, told Clarendon himself, then Mr. Hyde, 'that all was well, and that it must be worse before it could be better; and that this parliament would never have done what was necessary to be done.' *

* Clar. vol. i. p. 246 *et seq.*; but see from p. 232 to 248, also affixed A. This author has a long statement to prove that this parliament was so well disposed, that had it not been precipitately dissolved, it would have supplied the throne; and that the issue was in a great measure attributable to Sir Henry Vane, who told the house that his majesty would not take less than the twelve subsidies (p. 244). But the subsequent conduct of Vane was the cause of an unjust aspersion. The message from Charles for twelve was in writing, as Clarendon himself states (pp. 238 *et seq.*, 244), and therefore the account by some authors that he commanded to ask only six subsidies, while Vane demanded twelve, is altogether unfounded. Indeed, this is evident from the fact itself, since ship-money, which was to be renounced, yielded far more than six subsidies payable in three years; and therefore Charles, who was so pressed for money, would have lost by the transaction. It is alleged by Clarendon, as the cause of the dissolution, that both Vane and Herbert, queen's solicitor, assured the king that the house would pass a vote against ship-money, which would blast that source of revenue; but that though Hampden and others laboured for this, they would not have been able to accomplish it (p. 245). Let this be compared with the whole context, and the incongruity will be apparent. The house, however, seems to have been nearly unanimous in their opinion of ship-

money; and the noble historian himself tells us, that Glanvill the speaker, who laboured all he could to procure the grant of twelve subsidies, wonderfully conciliated the house by declaring that ship-money was against law, if he knew what law was (p. 243). This author says, that Charles condemned Vane's conduct, and wished to have recalled the parliament by proclamation (p. 247). But his imprisonment of the members disproves this (see Clar. *Col. of State Papers*, where the integrity of Vane is manifest, the measure having been approved of as necessary by others, vol. ii. p. 83). Besides, Vane never forfeited the good opinion of his master by his conduct in this instance; and in the royal declaration the parliament is abused without mercy, while principles are stated which are contrary to the very first idea of a legislative assembly, and it is accused of having opposed those pretensions of prerogative. It is charged as a crime, that parliament acted as if kings were obliged to give an account of their regal actions and manner of government (Rush. vol. iii. p. 1160). The message delivered by Sir H. Vane is preserved by this collector (p. 1154), and was recited in the royal declaration (p. 1165). Heylin imputes no blame to Vane (*Life of Laud*, pp. 421, 422; *Sidney Papers*, vol. ii. pp. 652, 655). See Hardwicke's *State Papers*, vol. ii. p. 151 *et seq.*, for a proof of the confidence reposed in Vane after the dissolution. Indeed,

CHAP.
II.Members
imprisoned.

No sooner was the parliament dissolved than Charles published a declaration to justify the measure, and ordered three members to be imprisoned for an unlimited time. These were Mr. Crew, chairman of the committees, for refusing to deliver up to the clerk of the house certain petitions which had been presented against ship-money; and Sir John Hotham and Mr. Bellasis, for refusing to disclose to the council what had passed in parliament. The study, cabinets, and even pockets of the Earl of Warwick and Lord Brooke were searched for papers.*

Convoca-
tion and
its pro-
ceedings.

While the parliament was thus dissolved, and followed by such measures, the convocation was continued by a new commission, which Finch and others declared to be lawful, in order that it might frame new canons, &c., which were condemned in the next parliament, as destructive of both the civil and religious liberty of the subject, and impose a subsidy upon the clergy exigible under the penalty of suspension, excommunication, and deprivation, without the privilege even of appeal. This tax was no less illegal than the canons, since, though the convocation was in the practice of making a grant of money, their act required the sanction of the legislature to render it lawful, being on their part merely a proposition to parliament. To give a colour to the present measure, it was pretended to be a benevolence, something different from a grant under that name, which every subsidy was, as if the power of giving were still reserved for every individual of the general body.†

treachery on his part was impracticable in the presence of the other officers of the crown. I believe that the house was inclined to give six subsidies (Whitelocke, p. 34), but I conclude that it was upon the same condition that twelve were asked—that ship-money should be abolished—by which the revenue would have been diminished. The temper of the house was fully proved on the motion for a second conference with the

Lords, the division being 257 against it, and 148 only for it (Rush. vol. iii. p. 149).

* Rush. vol. iii. p. 1167; *Journals* of both Houses, 10th of November.

† Whitelocke, p. 34; Rush. vol. iii. p. 1186; Heylin's *Life of Laud*, p. 422 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 659; *Rawden Papers*, p. 78. One bishop was sent to the Tower for refusing to sign the proceedings.

CHAP.
II.Discontent
at the dis-
solution.

A parliament, after so long an interval, and such a train of arbitrary measures, had been hailed by the people as a sort of deliverance from bondage; and the general discontent at the dissolution was altogether unparalleled.* In every corner of London placards were posted up against Laud, denouncing him as the author of such a national calamity, and inciting one another to destroy him. These were followed with open violence, insomuch that it required all the precaution of the executive to rescue him from the popular fury. Five hundred at one time attacked his house, and the interposition of the military only saved him. One of the mob was apprehended and executed for high treason next morning—a measure which appalled the populace, but excited a murmur amongst the better informed as illegal, since there had been merely a riot, a few windows only having been broken, and the popular indignation not having been directed against the king, it could not be called a levying of war against him.†

It is now necessary to resume the narrative of Scottish affairs. Charles having resolved to prorogue the parliament a second time, appointed the Lords Elphinstone and Napier, the justice clerk, and king's advocate, his commissioners, in the place of Traquair, to perform that duty. But it having been discovered that the commission contained no warrant from Traquair, which seemed to be implied as necessary by the words of their powers, first Elphinstone, and then Napier, declared that it was impossible for them to act upon it. The justice clerk and the king's advocate protested against them, (though many suspected that the latter was too deeply engaged with the Covenanters to be very zealous in the business,) but the parliament proceeded. The articles which had been previously prepared were passed into laws; and

Scottish
affairs.
Acts of
their par-
liament.

* *Sidney Papers*, vol. ii. pp. 652, 653 *et seq.*

Whitelocke, p. 34; Rush. vol. iii. p. 1137 *et seq.*

† *Clar.* vol. i. pp. 246, 252 *et seq.*;

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II.

that there might be no pretext for asserting that there wanted a third estate, (in the language of the Scottish parliament, everything was said to be done by the three estates,) to render their measures valid, they specially declared that the three estates were composed, 1st, of the nobility; 2ndly, of the barons or commissioners of shires; and, lastly, of the commissioners of burghs. The royal assent was still awaiting; but necessity obliged them to dispense with it; indeed it was not requisite by the old constitution of Scotland,* and the executive was transferred to a committee of the estates.

For the support of the war, a tax, at the rate of a tenth on rents, and the twentieth penny on interest, was imposed; and as this fell far short of the occasion, voluntary contributions, &c. supplied the deficiency. The clergy exhorted the people to advance their money liberally, and kindled such zeal, that the ladies brought into the public fund not only their plate, but their very jewels and rings. The Earls of Rothes and Cassillis granted their bonds for large sums, and one Dick, a rich citizen of Edinburgh, lent them many thousand pounds.†

As the Scots had long been preparing for hostilities, they were in a condition to take the field as soon as the king; and such was the female zeal, that their army, which consisted of twenty-three thousand foot, and three thousand horse, with a considerable number of small artillery,‡ was supplied by the ladies with cloth for tents.

* See this fully proved by Laing, note I to vol. i.

† Baillie, vol. i. pp. 247, 255, &c.; Burnet's *Memorials*, p. 162; Balfour's *Annals*, MS.; *Rescinded Acts*.

‡ Hardwicke's *State Papers*, vol. ii. p. 144. Wentworth, in a letter to Laud, gives a particular account of them, as he had it from a gentleman whom he employed to obtain intelligence. 'He tells me,' writes he, 'there is one Hamilton, who hath of late cast a great number of brass

pieces, which one horse may easily draw. He saw some of them upon the carriages, being more than two foot long, and better than Saker bore' (*Let. and Disp.* vol. ii. p. 271). But Burnet says, in his *History*, 'They had also an invention of guns of white iron, tinned, and done about with leather, and corded, so that they could serve for two or three discharges' (vol. i. p. 29; edition of 1628, p. 49).

In his *Memoirs of the Hamiltons*,

Leslie invested Edinburgh Castle, though, if we may credit what is alleged, with no display of ability.

CHAP.
II.

English
army.

The English army was commanded by the king in person, by the Earl of Northumberland as general, and by Wentworth, who had a little before been created earl of Strafford, as lieutenant-general, Lord Conway being appointed general of the horse. Strafford had however the principal direction of affairs. It was by his advice chiefly that the command had been devolved upon Northumberland and Conway, from an idea of the perfidy or incapacity of those who had commanded in the last war; but Northumberland appears, by his private correspondence, to have incurred the suspicion of being disaffected, because he was fully sensible of the real distress of his master, and the difficulties with which he must necessarily struggle.*

Though Charles had succeeded in collecting an army, he was destitute of funds to keep it together for any length of time. The grant by the convocation and contributions and loans by ministers of state fell far short of the exigency, and the most illegal projects were resorted to in vain. The bullion belonging to the Spanish merchants was seized, and only returned upon their granting a large loan; but Charles reproached his ministers

Projects of
Charles to
raise
money.

he also speaks of leather guns. I find iron and brass guns spoken of in contemporary letters, but no mention of the other (see *Letters in State Paper Office*, and particularly a paper concerning the Scottish proceedings, and other matter of the present state, 'by one who hath longe resided there.' 20th February, 1639-40).

* 'The particulars of the unhappy breache of the parlement' (writes Northumberland to the Earl of Leicester, on the 7th of May, 1640), 'your lordship will hear from divers; I am certaine the captain will relate it punctually. Notwithstanding the dissolution, the king intends vigorously to pursue his former designes, and to leaue the same army of 30,000

foote and 3,000 horse. About three weeks hence, they are to be drawne together; but as yet I can not learne by what means we are certaine to gett one shilling towards the defraying this greate expence. What will the world iudge of us abroade to see us enter into such an action as this is, not knowing how to maintaine it for one month? It greeues my soule, to be inuolued in these counsellis; and the sence I have of the miseries that are like to insu, is held by some a disaffection in me; but I regard little what those persons say or think of your lordship's most faithful, &c.' (*Sidney Papers*, vol. ii. p. 652; see pp. 626, 627, 629).

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II.

for their timidity in thus returning the gold. Pepper belonging to merchants was also seized, and sold at a great undervalue, though the king bound himself to indemnify the sufferers. An old favourite scheme of Charles too, that of coining base money, three-fourths copper and one silver, was now meditated; and he was only prevented from attempting the measure, to the extent of two or three hundred thousand pounds, by the representations of the council as to its impracticability, or rather by discovering that they would not join him in his plan. The abandonment of the project was, however, held out to the city as an inducement to lend that amount; but the application there, was no less successful than the other measures, though some of the aldermen were committed to prison for refusing to give a list of those who were able to lend. The city, indeed, had a particular cause of discontent, their plantation of Londonderry having, by an unjust decree of the Star Chamber, been taken from them. Even the old oppressive modes of extorting money were now very unproductive. Ship-money was resisted, and threats against the high sheriffs for negligence in collecting it, were unaccompanied with any great effect. Coat and conduct money, furnishing of horses, &c. were resisted, and billeting of soldiers complained of. Another scheme to procure money from Spain, by the marriage of the princess, proved abortive.*

The troops whom Charles was almost destitute of the means of keeping together by affording them part of their pay, began to mutiny in different quarters, declaring that they would not fight to maintain the power of the bishops, and, in one instance, they killed their lieutenant as a suspected Papist. Lord Conway wrote to Laud, recommending martial law, and declaring, that if the

* *Sidney Papers*, vol. ii. pp. 655, 656, 657, 658; see *Clar. State Papers*, vol. ii. pp. 74, 84, 85, 86, 87, 89, 112, 114, 115 *et seq.* They present a miserable picture (Hardwicke's

State Papers, vol. ii. p. 147 *et seq.*; *Clar. Hist.* vol. i. p. 146; *Whitelocke*, p. 35; *Rush.* vol. iii. p. 1177 *et seq.*).

soldiers imagined that it was illegal to punish their disorders in that way, the service would be ruined. He dissuaded from taking the opinion of lawyers upon the subject, for that they would decide the point by their disobedience, as the country did by their ship-money, and proposed to hang the first lawyer who delivered an opinion against the measure.*

The Scots had marched to the borders, but they continued there three weeks improving in military discipline; and as their enthusiasm was kept up by the exhortations of the clergy, they were a truly formidable body. Edinburgh Castle had been taken by a detachment left behind, and effectual measures were adopted by Argyle and others for repressing the king's friends in the North. No sooner was it announced that Conway had advanced to Newcastle, than the army under Leslie struck their tents to march into England, and crossed the Tweed at Coldstream.† This important measure was not adopted by the Scots without full assurances of a favourable disposition in England, and they published a declaration of their friendly motives, and containing an appeal to their gallant countrymen upon the necessity of the proceeding. This

* Rush. vol. iii. p. 1191 *et seq.* 'The king,' says Heylin, 'neither found the same men nor the same affections as he had so unfortunately discharged the year before; many of the soldiers being so ill-principled, or so persuaded, that, in their marchings through the country, they brake into churches, pulled up rails, threw down communion tables,' (Why does not the author as usual call them altars in this place?) 'defaced the common prayer books, tore the surplices, and committed many other acts of outrageous insolence' (*Life of Laud*, p. 454; Whitelocke, p. 35; May, p. 64).

† This has been attributed to a letter which was forged by Lord Savile, in the name of some English noblemen, inviting them; but the Scots were not so easily moved, and Whitelocke's account is conclusive,

for he says he himself was applied to, amongst others, even in the preceding year (pp. 30, 32). It is extraordinary that we find no account of such a letter in the cotemporary correspondence. Now it must have led to a strange explanation, and could scarcely be thus passed over in silence. I suspect, therefore, that the whole story was an after fabrication against that nobleman; at all events, it could not move the Scots, who, according to Clarendon, Baillie, and others, had friends even at court, who advertised them of every motion, and corresponded with them on every circumstance (see Hailes' *Col.*; Hardwicke, vol. ii. p. 145). The fact, too, carries internal evidence with it, from their various negotiations (*Sidney Papers*, vol. ii. p. 645 *et seq.*; *Mem. D'Estrades*, tome i.).

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II.

bold stroke, which the commencement of hostilities by the royal navy afforded a pretext for, had been predicted by Marquis Hamilton, and created alarm in Charles. To meet the invaders he tried a general array at the expense of the inhabitants; but the proposal was, everywhere, heard with coldness and disaffection; the Yorkshire men, in particular, having declared their inability to follow the royal standard without a previous advance of twelve days' pay; and the gentry appear to have been unmoved by the eloquence of Strafford, who, in the king's presence, assured them, that none but beasts would hesitate on such an emergency.

But treachery in the Scottish army proved to be more successful for the royal cause. In the preceding month of July, Montrose had procured a meeting of some noblemen at the seat of the Earl of Wigton, where a counter association was entered into and a bond subscribed for the purpose. Montrose, however, would seem not to have relied solely on this, but to have calculated on resources more peculiarly his own. He had himself the command of 2000 foot and 500 horse; his friends and dependants commanded about 5000 more, and an authority no less his own than if it had proceeded from his own pen, informs us that had not the greatest part of those friends and dependants broken their engagements, he had either carried the whole army over to the king, or have at least defeated the designs of the Covenanters.

English
army
routed at
Newburn,
August 28,
1640.

The Scottish army marched to Newburn without interruption; but as Leslie's request to be permitted to pass the Tyne was then, of course, refused, he determined to force a passage. Conway had erected works on the opposite side of the river; but these were so slight, that an unexpected fire from the Scottish artillery obliged his undisciplined and lukewarm troops to abandon the batteries. The Scots then passed the river, a small troop of six or seven and twenty lawyers on horseback having led the way, and the artillery, though attended with little

carnage, forced the English cavalry, which were drawn up to receive the assailants, to retire. Leslie perceived the advantage, and quickly advancing with his reserve, routed the English army. The standard of the general, three generals, and many gentlemen fell into the hands of the victors. But they did not follow up their success, being partly prevented by the approach of night, and partly by the neighbourhood of a wood, to which the English retired, but much more by their affection to their southern neighbours, whom, as strangers to the spirit of hostility which rankled in the bosom of their common king, it was their interest to conciliate. The loss on the part of the English was variously estimated, from sixty to five hundred; that of the Scots did not amount to a dozen—though it included a gallant young man, the only son of Sir Patrick M'Ghie, of Largo Hills, who, as he flourished the English colours which he had seized, was slain by his countrymen in a mistake.

The English general held a council of war at midnight, when it was resolved to retreat towards Durham in the morning, and then to retire into Yorkshire. Newcastle, which was evacuated by the troops, and, in a great measure also, by the inhabitants, was surrendered to the Scots next day, who found in the royal magazine there a timely supply of biscuit and cheese, and also 5000 stand of arms and ammunition. No victory could have happened more opportunely. Before it they were in a miserable plight. Destitute of money, they were likewise disappointed in their hope of a supply from the English; and they perceived, that, if they lived for any time at free quarters on the inhabitants, they would raise the country against them. Many of their men, too, suffering from want of victuals, and the strictness of military discipline, had run from their colours: but they met a just return for their misconduct, in being intercepted by the English troops at Berwick. The present success revived the spirit of the army as well as it afforded them neces-

The Scots
take New-
castle.

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saries; and other propitious events, the surrender of Dumbarton by the king's forces, and the defeat of an incursion from Berwick, all occurring on the same day, which had been devoted to a general solemn fast by the church, the whole appeared like a special interposition of Providence in their favour, and, being regarded in that light, elated them with hope.*

With Newcastle, the Scots also obtained possession of Tynemouth, Shields, and Durham, and they might have quickly brought the metropolis to great straits, by stopping its supply of coals; but their policy was very different. The people everywhere fled; but the mild conduct of the Scots soon conciliated all. They did, indeed, take victuals for which they only paid in part; but they gave their notes for the residue of the price, and declared that the necessity of their situation alone induced them to adopt such a course.†

Situation
of the
king.

Charles had been sadly disappointed in his anticipations of powerful armies. Strafford's boast of bringing over 10,000 foot and 1500 horse from Ireland had entirely failed; and the royal army, which was expected to amount to 20,000 foot and 2000 horse, did not exceed in all 15,000, and these were both ill-disciplined and disaffected. On this emergency he retreated from Northallerton to York. In the meantime twelve peers assembled in London to petition the king for another parliament—setting forth the national grievances in the strongest light. The city adopted the same measure, and drew a striking picture of the general decay of industry from so many oppressions. Perplexed on all sides, unsupported by the people, and damped with the disaffection and even mutiny

* Baillie, vol. i. p. 55 *et seq.*; Conway's *Narrative*, in Clarendon's *State Papers*, and Hailes; Nalson, vol. i. p. 426; Balfour's *Annals*.

† Nalson, vol. i. p. 426; Baillie, vol. i. p. 262 *et seq.*: 'Some of the English, under our blue caps, became robbers everywhere;' 'at once libels,

full of outrages done, or feigned, by the English themselves, are presented to the king against us' (p. 209; May, p. 64 *et seq.*; Rush, vol. iii. p. 1238 *et seq.*; Hardwicke's *State Papers*, vol. ii. p. 159 *et seq.* See *Letter of Conway in State Paper Office*, p. 255 *et seq.*, boldly defending himself).

of the troops, Charles determined to negotiate, and, at so alarming a crisis, summoned a council of peers at York to consult with on the posture of affairs.*

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Conduct of
Strafford.

As much has been said, particularly by Clarendon, about the opposition of Strafford to any treaty, and the proof which he afforded the king of the practicability of driving the Scots out of England, it will be necessary in this place to clear up that point. When the royal army first marched north, he was confined by a severe fit of the stone, a disease which appears to have been very prevalent in that age. But the natural overbearing violence of his temper suggested to him that the side on which his all depended, required only to act vigorously in order to be victorious. Conway had prudently resolved to decline an engagement, and rather to retreat upon the main army; and it was the reproaches of Strafford that induced him to abandon his own plan and hazard a battle at Newburn, where he was so shamefully routed. Strafford then appears to have imagined that his own presence would retrieve affairs, and he entered the camp before his disease had entirely left him. The state of his body affecting a naturally irritable temper, made him act with such outrageous indignation against all the officers, that, according to Clarendon, 'the army was, in a short time, more inflamed against him than against the enemy.' But his own observation soon satisfied him of the justice of the previous representations which had been made to him, and he seems to have acquiesced in the propriety of negotiating as no longer avoidable amid such disaffection in the troops, such discontent in every quarter of the country, and such distress for money, that Conway says that the army, for want of pay, could scarcely be held together. The story told by Clarendon of his having defeated some troops of Scots with an equal number of English, to convince the king how easily the invaders

* Whitelocke, pp. 35, 36, 37; Rush. vol. iii. p. 1260 *et seq.*; Nalson, vol. i. p. 435 *et seq.*; Hailes' Col.

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might be overcome, is quite ridiculous, and arose from a trifling incident, that of one troop of Scots, which had privately gone out on a marauding, or plundering, expedition, having been intercepted by several troops of English. As this was magnified by the noble historian, whose hatred of the Scots appears to have inclined him to deny them not only the natural courage, but the physical strength, of ordinary men, into so notable an affair, it ought to render us cautious in receiving his account of other transactions.*

When the council of peers assembled at York, they were resolved to advise the king to call a parliament instantly; and Charles, who had foreseen this, anticipated the motion, by informing them that he had resolved upon it by the advice of his consort, whom he expected in this way to ingratiate with his subjects. He seems to have imagined that the peers might themselves have imposed a tax on such an emergency, and one of them delivered an opinion to that effect; but the rest all concurred in declaring a parliament to be the only remedy for the present evils, as well as the only legitimate organ of taxation. The first point to be settled was the subsistence of the Scottish troops, which fell heavily upon the northern counties; and this, with other preliminary business, consumed a considerable portion of time; but, at last, 850*l.* a day were allotted for the Scots. In a letter to Sir George Ratcliffe, dated 1st September, 1640, Strafford himself gives the most melancholy picture of the army. 'Pity me,' says he, 'for never came any man to

* See Hardwicke's *State Papers*, p. 183. See other letters, particularly p. 191, and *Minutes of the Great Council of Peers*, from p. 208 to 298. Strafford indeed said, that if money could be had, and the disaffection of the troops and people be cured, the Scots might be driven out—a proposition, of the truth of which few could doubt; but he acknowledges that, under the present disaffection,

any idea of fighting was desperate; and states that, without an immediate supply, the royal army could not be held together, when the whole kingdom would be open to the Scots; and, what is most extraordinary, he says, 'he had never advised to fight' (p. 294). Leslie stole the hearts of the English people (pp. 159, 164). Clarendon's *State Papers*, vol. ii. p. 97 *et seq.*; *Hist.* vol. i. p. 254 *et seq.*

so lost businesse. The army altogether unexercised and unprovided of all necessaries. That part which I bring now with me from Durham, the worst I ever saw. Our horse all cowardly, the country from Berwicke to Yorke in the power of the Scott, an universal affright in all. A general disaffection for the king's service, none sensible of his dishonour.* In order to raise 200,000*l.* the king was obliged to apply to the Lords for their personal responsibility to the city of London for such a sum on loan—so changed was the condition of that monarch, who, a few months before, had imprisoned the lord mayor and aldermen because they refused to betray their office, by assisting him to extort such a sum from the citizens. The loan, even now, was granted on the faith of a parliament's being immediately summonèd; and when the writs were delayed, the city intimated its resolution to withhold the money.†

The terms demanded by the Scots were, a ratification of the acts of their late parliament; absolving their countrymen in England and Ireland from an illegal oath, which had been imposed on them by the advice of Strafford about the first breaking out of hostilities; the restoration of their property, and the removal of every impediment to a free trade; giving up incendiaries, as Strafford and Laud, to trial; and supporting their garrison in Edinburgh for the defence of the people. The parties could not agree upon the terms, and the treaty was protracted till it was deemed expedient to remove it to London, whither the parliament was summoned. To this, and granting a parliament at such a time, the future misfortunes of Charles, and the triumph of the popular party, have been attributed—but unjustly. In every grand revolutionary period, each movement has been

Treaty removed to London, whither a parliament was summoned.

* *Life and Correspondence.*

† *Clar. Hist.* vol. i. p. 146 *et seq.*; *State Papers*, p. 140 *et seq.*, particularly pp. 130, 131, 132. See whole proceedings in the second volume of

Hardwicke's *State Papers*, already referred to; Whitelocke, pp. 36, 37; Rush. vol. iii. p. 1295; Hailes' *Col.* p. 110.

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attributed to some trifling cause, because that incident preceded and, in some measure, regulated it. Every act of the power that falls is then alleged to have hastened its fate: if it act vigorously, this at once brings matters to a crisis, and is pronounced imprudent; if it temporise, that is equally condemned as encouraging the disaffected by indecision. Thus it happened in the present case. The error of Charles lay in interfering so absurdly with the religion of the state, as well as in overturning the vital principles of the constitution; but, while he persisted in such a scheme, every step only accelerated his own downfall, and has therefore, in relation to that business, been unjustly condemned. The whole people of England were now inflamed against the executive, and loudly demanded a parliament. The continuance of the treaty at Rippon, and the refusal of a parliament, though they might have led to some difference in the result, would have, in all probability, given a still more terrible turn to affairs, which again would have provoked censure, and caused the whole disasters to be imputed to the king's obstinacy in not complying with the universal wish of his people to call a parliament, as well as in not removing the treaty to the metropolis. From the general disaffection of the army, all men, including Strafford himself, were satisfied that the attempt to bring it into action would have been pregnant with ruin; and had the city of London not granted a loan upon the security of the peers, the troops could not have been kept together. Hence, while the Scottish army was in full spirit, Charles would have been in a very short time destitute of military support; but as the lords interposed their credit, and the city even then made the loan upon the promise and faith of a parliament, he was left only to the alternatives of complying with the wish of his people, by calling a parliament, or of exposing the whole government to the Scottish army, while he utterly lost the hearts of the English. The Scots, on the other hand, daily gained

upon the affections of Englishmen, and they had resolved to winter in England, unless the prince complied with their demands. As for continuing the treaty at Rippon, while the parliament was held at Westminster, it was in effect impracticable. This important business, in which the parliament was so deeply interested, must have been substantially transacted at the seat of government; and therefore the result, under a different form, would have been the same. But it has been alleged, that Charles ought to have called the parliament to York instead of London, where the factious disposition of the citizens gave such a preponderance to the Commons. It was, however, natural and politic in him to hold the legislature at a distance from an army which was hostile to him; and it was his interest to conciliate the metropolis, instead of giving it a fresh and great cause of provocation, at such a crisis, by so strong a proof of distrust. So unusual an event, too, could not have failed to excite the utmost jealousy in all quarters, of some sinister purpose, and must thus have diffused a still deeper-rooted spirit of disaffection. It was in a great measure the advantage which the turbulence of the metropolis afforded against the popular cause, by inspiring fears into the aristocracy of a design to overturn their exclusive privileges, that induced them to join the royal standard, and thus put the monarch at the head of an English army. From the predetermined purpose which he always betrayed, never to make a concession with an intention to keep it, and his various intrigues with the Irish and foreign states for troops to subjugate Britain, it is most probable that, even in so forlorn a condition, he would not have yielded to the general wish. But rash measures of that description could only have hastened the catastrophe. He had just one chance left of attaining security, that of retracing his steps, and sincerely yielding to constitutional measures.*

* Clarendon's *Hist.* vol. i. p. 283 p. 457. This writer, in opposition
et seq. Heylin's *Life of Laud*, to all other authorities, says that

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The situation of Charles was now deplorable; as he had selected his servants for their aptitude to promote his arbitrary plans, he could not expect that they who were false to their country could be true to him; and his council was rent with faction. 'The court,' says Clarendon, 'was full of faction and animosity, each man more intending the ruin of his adversary, and satisfying his private malice, than advancing his master's service, or complying with his public duty, and to that purpose directing all their endeavours, and forming all their intercourse; whilst every man thought him whom he found an enemy to his enemies, a friend to all his other affections, or rather by the narrowness of his understanding, and extent of his passion, having contracted all his other affections to that one of revenge.'*

It is singular, that the pacification of Berwick was now proposed by the king himself as the basis of the treaty, though he had formerly denied the terms.†

Strafford gained the affections of the soldiers.

The real feeling of the English appears strongly from the following passage of a private letter from Baillie. 'Nothing frays' (affrights) 'all here so much as our quick agreeing with the king and the disbanding of our army thereupon. Under God, they all everywhere profess that they are aughtin to that armie their religion, liberties, parliaments, and all they have: That, if we take conditions for ourselves they say they are undone' (Baillie, p. 275 *et seq.*; see whole letter from p. 274, Dec. 2, 1640.

* *Clar. Hist.* vol. i. p. 251 *et seq.*
'The straight friendship that was betwixt 112 (Lord Archbishop) and 115 (Lord Lieutenant Strafford) is shaken,' writes Northumberland to Leicester, 22nd July, 1640; 'and the great confidence is now between 119 (Cottington) and 115 (Lord Lieutenant); 108 (Hamilton) seems to keep an interest in them all: but he deceives the world, if he have kindness for them or any body else' (*Sid-*

ney Papers, vol. ii. p. 657). By some mistake, I had not taken a note of this when I formerly mentioned the breach of friendship between Strafford and Laud; and though I recollected of having seen such a passage, I could not, on the instant, recollect where. This accounts sufficiently for the language of Lord St. Alban's and Clanrickarde, in regard to his enemy Strafford (from whom he had suffered much), 'that when the Parliament did sit, the day would come should pay for all,' uttered in a letter to Laud's confidential creature, Windebanke, 9th October, 1640 (*Hardwicke's State Papers*, vol. ii. p. 196). See *Sidney Papers*, vol. ii. p. 655, for a character of Windebanke. The Earl of Northumberland calls him, in a letter to Leicester, 'the basest and falsest creature that lives.' In p. 623, in another letter, he says, 'to think well of 542 (Reformed Religion) is cause enough to make 112 (Archbishop) their enemies.'

† 'If the pacification,' says Vane to Windebanke, 'could be the me-

dium, I conceive it were to be endeavoured by us, but I do apprehend ruder conditions; and that we shew so much our desires for peace, that they will grow the 'more insolent upon us' (Hardwicke, vol. ii. p. 189). Does not this prove that the terms of that pacification were understood and violated by the king? (Hardwicke, vol. ii. p. 191.)

'The treacherous, the cruel, the unrelenting Philip,' says Mr. Hume, 'accompanied with all the terrors of a Spanish inquisition, was scarcely, during the preceding century, opposed in the Low Countries with more determined fury than was now by the Scots, the mild, the humane Charles, attended with his inoffensive liturgy.' To those who have attentively weighed the preceding detail, supported as it is with unquestionable authorities, this must appear a most extraordinary statement: yet, as the fallacy of the whole passage may not at once strike every reader, we shall unravel it. With regard to the private characters of these individuals, they must justly be left out of the question. It is a poor apology to a people for violated rights, to allege that their prince is, for instance, a faithful husband. Let us then compare the public conduct of these sovereigns. Philip lived in a new era of the world, when the wisest men were lost in amazement at the terrible aspect of affairs, and dreaded lest the spirit of innovation, which manifested itself in such a variety of forms, should confound all the rights of property, and relations of society, and Philip was necessarily affected with the general panic. Charles flourished after the lapse of a century had banished the alarm, by bringing matters to the test of experience, and when, therefore, there was less excuse for persecution. Philip merely maintained the principles, civil and religious, which had been established time immemorial before his age. Charles waged war with all the civil and religious institutions of his country, because they crossed his desire of arbitrary power. As for

treachery, let the acts of Charles be weighed, from first to last, as they appear even by his own letters, &c. As for unrelenting cruelty, let it only be considered, that he was prepared to destroy the people of his native country with fire and sword, as is manifest from documents under his own hand, because they would not adopt his creed. On one condition, which is the sum total of every tyrant's demands, they might have found him mild and humane, and stilled every inclination to cruelty—by submitting to all his innovations. But I know not upon what principle he deserves the character of mildness in a business where he proclaimed a purpose sooner to die than renounce his innovations, though he knew and avowed that his object was fraught with the utter ruin of his countrymen. But Philip was accompanied with a Spanish Inquisition. Now, if a people must be forced by arbitrary violence to embrace a certain worship, and no toleration is to be allowed, it matters not whether the violence appears in the shape of an inquisition or not. The violence and persecution must, in such a case, be proportioned to the resistance. Charles would be satisfied with nothing short of absolute submission, and Philip could not desire more. Mr. Hume did not hesitate to call the Court of High Commission, erected under Elizabeth, an inquisition. But, in spite of his assertions to the contrary, we have proved that its powers were extremely limited during that reign; that, as it was established by statute, so its authority was always restrained by the courts at Westminster within the bounds prescribed to it by law, which permitted ecclesiastical censures only, while, under the present prince, its authority was arbitrarily extended; yet that Mr. Hume's statements are calculated to convey a very different picture. It is remarkable, however, that the same writer, who saw every proceeding by the Tudors in so odious a light, should have been so blind to the administration of their successors, as to have espied no

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ground of censure, in the erection of a court in Scotland, called a Court of High Commission, without even a pretext or colour of law: nor even in the warrant by Charles to erect a subordinate Court of Commission in every diocese. These, as they were established without a colour of law, and against an express statute, which prohibited the establishment of new courts, acted up to the arbitrary principle on which they were brought into existence, and were nothing short of an inquisition. It is, however, ridiculous to talk of particular courts, when all were so corrupted, and the Canons denied to the people everything like civil or religious liberty. But then his Liturgy was inoffensive. Inoffensive! could that be inoffensive which excited such universal abhorrence? The expression implies a contradiction in terms. Possibly Mr. Hume meant that it ought to have been inoffensive, for that the innovations were harmless in a religious sense. Admit this principle,

however, and there is end of every notion of tolerance in a state. Every sect proclaims the soundness of its doctrine. But surely a more liberal spirit might have been expected from a philosopher; and it never can be allowed to a prince to change the public religion at his pleasure. It is vain, too, to allege that the innovations were trifling. It is enough that they were hateful to the people; and, as we have all along said, the more indifferent they were abstractly, the less apology is there for the monarch's having so arbitrarily obtruded them. If it be said that he acted from piety, then the same apology is due for the people; and it should never be forgotten that they adhered to the religion established by law, while his purpose was to change it. The innovations were, however, of the last importance; and, as we have fully established by his own correspondence, &c., he was actuated, not by religious feelings, but a desire of power.

CHAPTER III.

FROM THE MEETING OF THE LONG PARLIAMENT TILL ITS FIRST ADJOURNMENT.

STATE OF THE NATION, ETC.—GRIEVANCES DETAILED IN THE
LOWER HOUSE—REMONSTRANCE OF THE IRISH PARLIAMENT—
IMPEACHMENT OF STRAFFORD, LAUD, FINCH, ETC.—FLIGHT OF
WINDEBANKE AND FINCH—ATTACK UPON THE HIERARCHY—
TRIENNIAL BILL—TRIAL OF STRAFFORD—PLOT TO BRING UP
THE ARMY AGAINST THE PARLIAMENT—BILL OF ATTAINDER
AGAINST STRAFFORD, WITH HIS EXECUTION—ACT FOR CONTINUING
THE PARLIAMENT—HIGH COMMISSION AND COURT OF STAR
CHAMBER, ETC. ABOLISHED—TONNAGE AND POUNDAGE—KING'S
JOURNEY TO SCOTLAND, ETC.

THE calling of the last parliament, which was so prema-
turely terminated, had diffused general satisfaction, as the
precursor of a better system; but wise men perceived
that matters had not yet arrived at the crisis when the
authority of the legislature could be effectually exerted
against that horrid train of evils which the kingdom had
so long groaned under; and the people at large, though
they hoped much from a constitutional assembly, had
been too greatly dispirited by oppression to feel confident
of its power. The influence of the crown, therefore,
together with that of the great families attached to ar-
bitrary principles, operated considerably in elections;
while, of those returned as members on more independent
grounds, and who had not yet enlisted under the banners
of administration, there were many who were politically
inclined not to forfeit their chance of preferment from a
system which they deemed it impossible to control. On
the other hand, prudence dictated to the most public-
spirited the propriety of preserving a tone of moderation.

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State of
the nation
at the
meeting of
the Long
Parlia-
ment.

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in order, if possible, to reclaim the monarch, and, at all events, to avoid affording him a pretext with any considerable portion of his subjects, for hurrying matters to an extremity which, however it might end, must, in the interim, be productive of national calamities. The course of elections even then, however, so disappointed Charles and his ministers, that the Earl of Northumberland, previous to the meeting of that parliament, predicted, in a private letter to the Earl of Leicester, that it would be short-lived, as unfit for the purposes of the executive.* But all saw now, that, from the necessities of the prince, this parliament could not be ignominiously dissolved like the four preceding; and proportionally strong was their confidence in having at length found a remedy for all their grievances. The influence of the executive in elections was therefore vastly diminished.† The selfishly cautious laid aside their interested prudence with the change of times, and the patriotic struck up upon a bolder key. There was even another class, who, though they had formerly truckled to power, now manfully declaimed against the infringements of public rights. Of the last, the most conspicuous was Mr. Hyde, afterwards the famous Lord Clarendon, who does not scruple to inform us, in his history of his own life, that, during the discontinuance of parliaments, he had so gained the patronage of Laud and other ministers, that their countenance procured him high respect from the judges in the courts at Westminster—a circumstance which, having been generally remarked, brought him great professional

* *Sidney State Papers*, vol. ii. p. 641. He writes, 10th March, 1639-40: 'The elections that are generally made of knights and burgesses in this kingdome, giues us cause to feare that the parliament will not sitt long; for such as haue dependance upon the court, are in diuers places refused; and the most refrecatorie persons chosen.' Does not this

prove that Sir H. Vane and Herbert were not singular in their opinion of that parliament?

† Hardwicke's *State Papers*, vol. ii. p. 190; Clarendon's *State Papers*, vol. ii. p. 131, as to the interference of government. The course of the elections is complained of in the *Eikon* (Whitelocke, p. 37).

practice.* This noble historian endeavours, in the course of his work, to depreciate certain lawyers who rose to eminence during the ensuing civil broils, by alleging that they had been previously little heard of in the profession; but the manner in which he accounts for his own success, defeats the effects of his remarks upon others in the same line, and must leave small room for doubt in any unprejudiced mind, that it is more creditable to the memory of those whom he undervalues for their want of success, that they were little known, than to his, that the sworn guardians of the law favoured him as the creature of Laud, for the purpose of ingratiating themselves with that meddling priest and his coadjutors.

It is needless to dwell upon the awful crisis at which this parliament met. The invasions of liberty had been as avowed as they were profligate; the very semblance of justice, which is at least an homage to law, as hypocrisy is to virtue, had been despised, despotism unmasked having raged in all its deformity. The faithful discharge of duty in the senate had not only been attended with the most disgraceful dissolutions, but been visited with terrible penalties in the persons of its members; while the determination had been formed to dispense entirely with the legislature; a determination from which an unforeseen necessity alone had obliged the prince to depart. The pulpit, by the very royal injunctions, the council table, the bench, had all been polluted with the disclosure, and the two last with the practice also, of principles subversive of everything valuable in civil institutions. Industry had been so suspended, by destructive monopolies and arbitrary impositions, with other illegal proceedings, that a portion even of the manufacturers of woollen cloth, the staple of England, had emigrated with their capital to the Continent:† while the rights of property had been so violated, that it

* *Clarendon's Life*, vol. i. p. 30 *et seq.*; but see also pp. 14 *et seq.*, 22 *et seq.*

† *Cobbett's Parl. Hist.* vol. ii. pp. 643, 655; *Old Parl. Hist.* vol. ix. pp. 67, 85.

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was well observed in parliament that the people had become tenants at will. Nor was it a small aggravation, that the money despotically wrung from the community, instead of being conveyed into the treasury, went to enrich individual favourites. Illegal, unheard-of cruel imprisonments, and inhuman corporal punishments, as flogging, cropping the ears, slitting the nose, and branding the face, had been brought to the assistance of arbitrary courts against men of rank and learning. The established religion had been nearly subverted for the pageantry of the Romish superstition, while the impugnors of audacious novelties had been exposed to the tyrannical vengeance of arbitrary courts, which set no limits to their punishments. Nay, even those who preferred to seek a habitation in the then dreary and savage climes beyond the Atlantic, to living under a state of civil and religious slavery at home, were interdicted from this last resort, while measures were prepared to bring the American settlements under the same yoke with the mother country. The clergy had, under the royal countenance, assumed, in convocation, legislative powers, and even imposed on the general body, taxes which were exigible under severe penalties. They had affected to be independent of the civil power, and even endeavoured to have themselves exempted from ordinary jurisdiction; while, by their illegal courts, they had spread general dismay: Laud had almost assumed the style as well as the powers of the Pope.

Such was the state of affairs in England; but had all these grievances been insufficient to rouse that people into a proper sense of their condition, and of the incalculable misery which would necessarily flow from the present unconstitutional system, the measures lately pursued against the Scots, and the policy of Strafford in Ireland, must have satisfied them, that if they did not embrace the present opportunity for redressing their wrongs, all that they valued in their religious or civil institutions would probably be lost for ever. In Scotland, Charles had openly

tried to overturn everything civil and religious which the people most venerated, and had branded resistance to such unhallowed measures as the most unnatural rebellion,—a rebellion which he delegated powers to crush with fire and sword, declaring in the stubbornness of pride, that he would rather die than submit to the demands of his subjects,—demands which merely imported a recalment of innovations upon the established worship and laws. Nor had he a colour for the apology usually resorted to, and which he availed himself of on other occasions, that he consulted the general wish against the factious inclinations of the few, who raised a clamour under that pretext, to embroil civil affairs; for he did not hesitate privately to express his conviction, that his measures were fraught with the ruin of his people. In Ireland, the administration of Strafford had kindled an hostility to the government, and a personal abhorrence of himself, almost unparalleled in history.

While such was the posture of affairs, one could scarcely have anticipated the following language, even from Mr. Hume:—‘The grievances which tended chiefly to inflame the parliament and nation, especially the latter, were the surplice, the rails placed about the altar, the bows exacted on approaching it, the Liturgy, the breach of the Sabbath, embroidered copes, lawn sleeves, the use of the ring in marriage, and of the cross in baptism. On account of these,’ continues he, ‘were the popular leaders content to throw the government into convulsions; and, to the disgrace of that age and of this island, it must be acknowledged, that the disorders in Scotland entirely, and those in England mostly, proceeded from so mean and contemptible an origin.’ How far this view of facts is correct, the reader must by this time be prepared to determine; but the passage, and it is only a specimen of this author’s manner, is surely as remote from philosophical liberality as from truth. Aware that the attempt to justify the monarch for endeavouring to impose Popery upon the

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nation, would never be listened to with patience, the historian generally ridicules the imputed purpose as a senseless clamour, and probably means to convey, in this passage, that the innovations introduced were altogether unimportant. But he forgets that if it were disgraceful in the nation to be so appalled with such mean and contemptible innovations, it betrayed, even in a religious view, a much greater want of good sense in Charles and his advisers, whose cause he advocates, to attach such consequence to them as not only to impose them under severities revolting to humanity, but at the hazard of a convulsion; for there is a mighty difference between the case of a people who merely adhere to the established worship, against the wish of their monarch, who has no right to dictate to them, and that of a king who, in despite of the laws, abuses the power entrusted to him, in order to force his subjects into the adoption of his peculiar tenets. If, on the other hand, it be alleged, that Charles was endowed with too much good sense to be the slave of such contemptible superstition, then the historian entirely overlooks, that the conduct of the prince assumes, in that case, the character of the blackest depravity, in wantonly inflicting the most hideous punishments for disobedience to his capricious commands, and exposing the kingdom to all the horrors of a convulsion, for an object which he considered intrinsically unimportant. But it cannot be denied that the people, even though they had regarded the innovations as abstractly trivial, would have shown themselves utterly unworthy of their political privileges, had they not resisted changes thus tyrannically obtruded; since the introduction of them, with such penalties, imported powers in the throne inconsistent with every idea of civil and religious liberty. The most despotical monarchs have commonly the good sense to know that the attempt to interfere with the established religion, against the wishes of the people, would shake their thrones. It was vain for Mr. Hume, however, to repre-

sent the innovations as so unimportant: even those which he enumerates were abhorred by the people, not as merely ceremonial, but as indicative both of greater changes, and of substantial alterations in faith; and this was questionless the object with which they were introduced. The historian himself elsewhere takes nearly the same view, informing us, that 'not only the discontented Puritans believed the church of England to be relapsing fast into the Romish superstition, but that the court of Rome itself entertained hopes of regaining its authority in this island.' 'And,' says he, 'it must be confessed, that though Laud deserved not the appellation of a Papist, the genius of his religion was, though in a less degree, the same with that of the Romish. The same profound respect was exacted to the sacerdotal character, the same submission required to the creeds and decrees of synods and councils, the same pomp and ceremony were affected in worship, and the same superstitious regard to days, postures, meats, and vestments.' It was not the name of Popery that the people disliked, but the thing; and with regard to Laud, it was well remarked in parliament, that a pope at Rome was less intolerable than one at Lambeth. It would have afforded some, though a very inadequate, apology for this prince, that he was actuated by mistaken notions of religious duty; but it is, unfortunately, demonstrable, from his own correspondence, that his object was merely to assimilate the faith and worship to those of despotical countries, that they might operate in preparing the public mind for the same civil subjection. Without the prevalence of such superstition, he conceived it impossible to subjugate his people, and in order to accomplish the fond object of his wishes, he did what no prudent despot ever attempted, attacked all that the community venerated, and thus kindled a flame which was necessarily directed against that usurped prerogative which imposed innovations. By his absurd and wicked policy, therefore, he roused into an enemy that religious feeling which, in these measures, he insidiously

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aimed at converting into a necessary ally of arbitrary power. Aware that he stood by public opinion, he yet, in the chimerical hope of substituting sentiments more favourable to his pretensions, lost that support of the throne, by insulting as well as violating all that the people esteemed most sacred. All the religious innovations which, as we have shown, were, in spite of Mr. Hume's sneers, of the most aggravated nature, and were also the precursor of farther change, sprang from the grossest abuse of civil power; and the grievances in church and state, therefore, necessarily found the same advocates. Hence the field which has been opened for the ridicule so successfully poured upon that period. Men became naturally zealous for their faith in proportion to the violence with which the prince attempted to deprive them of it, and as their language corresponded with the occasion, it is easy to misrepresent the age, by viewing its character, through the medium of times when the established religion was protected instead of being sapped, and abstracted from all the circumstances that then operated upon the public mind.

The picture which has been given of the age is, therefore, unjust; and it is only necessary to peruse the works of that period, even the productions of professed Puritans, as Ludlow, Hutchinson, Milton, &c., to be satisfied that the same minds which were so fervently imbued with religious zeal, were not only illuminated by genius, but enriched with the choicest literature of ancient and modern times. Gloomy and fanatical as that period is represented to have been, it is not to be doubted that a similar interference, even now, with the established faith and worship, would lead to the same result. But it should always be remembered, that the arbitrary proceedings of the prince, in regard to religion, not only implied the arrogation of a power to make any farther changes, but an authority incompatible with the very idea of every thing like civil or religious rights. Religion,

therefore, formed a grand portion of the contest, even viewed in regard to its civil consequences, and it was dearly esteemed on its own account: but it was only an integral part of the general disease of the state. The privileges of the nation had been assailed in all points, and there was an almost universal cry for redress.* Had the people failed to embrace the opportunity for redressing their wrongs, and adopting measures to prevent their recurrence, they must have deservedly been pronounced worthy of the slavery which had been prepared for them; and matters must have either terminated in a dreadful convulsion in the next age, or Britain, the seat of wealth and innumerable comforts, the preserver and disseminator of rational liberty in modern times, and hence the nurse of genius and the mother of science—the land which has, in reality, given the impulse, in modern times, to the cultivation of every thing valuable in all quarters of the polite world, must have sunk into all the deplorable misery of the Peninsula. When the case is thus broadly stated, there is scarcely a mind which can refuse its assent to the proposition, that at a certain limit submission would have been criminal; yet it ought not to be overlooked, that the advocates of arbitrary power would have then discovered, in the

* 'But,' says Mr. Hume, 'it may be worth observing, that all historians who lived near that age, or what perhaps is more decisive, all authors who have casually made mention of those public transactions, still represent the civil disorders and convulsions as proceeding from religious controversy, and consider the political disputes about power and liberty as entirely subordinate to the other.' Now, who are the historians and authors to whom he alludes?—Whitelocke, Clarendon, nay Ludlow, or even Hutchinson and Milton? Does he discover it in the *Parliamentary Debates*, or the *State Papers*, or in the innumerable pamphlets

published during the contest? The parliamentary leaders were indeed blamed by one of their own party for dwelling too much on the religious grievances, and thus in a manner withdrawing the public attention from the multifarious oppressions under which the kingdom had groaned; but no one can peruse the sources of information to which we have referred, without being satisfied of the groundlessness of this artful, sweeping, unauthorised, statement. The cotemporary royalist writers always maintained that the clamour about religion was a mere colour for factional designs against the government!

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previous tyranny and the pusillanimous acquiescence, still stronger arguments with which to vindicate the prince and condemn the people. (Every former act of arbitrary power would have been, in that event, represented in the blackest colours, and the submission of the people vilified, in order to throw odium upon the nation for their unjust rebellion to a sovereign, whose only fault consisted in acting mildly upon the principles to which he had equally succeeded with the throne; while the popular leaders would have been reproached as artful demagogues, who inflamed the people with chimerical notions of freedom to which their ancestors never pretended,—as austere fanatics, who were content to plunge the kingdom into convulsions for an object altogether mean and contemptible. All the benefits accruing from their virtuous struggle would have been forgotten, while the calamities, the vices, arising naturally out of a period of convulsion, would have been incalculably exaggerated, as a warning to after ages never to assert their rights against the will of the chief magistrate. To the spirit of our ancestors, therefore, we owe all our most invaluable privileges; and it would be ungrateful not to acknowledge the obligation.*

* In the above I have endeavoured to embrace the sum and substance of Mr. Hume's defence of the Stuart family. But the following singular note deserves a remark: 'Lord Clarendon (vol. i. p. 233; in the Oxford edition, which I quote, it is p. 408 *et seq.*), says, that the parliamentary party were not agreed about the entire abolition of episcopacy. They were only the *root and branch* men, as they were called, who insisted on that measure. But those who were willing to retain bishops, insisted on reducing their authority to a low ebb, as well as on abolishing the ceremonies of worship and vestments of the clergy. The controversy, therefore, between the parties was almost wholly theological, and that

of the most frivolous and ridiculous kind.' Really it is distressing to find an author of Mr. Hume's powers writing in this style; and it is scarcely possible to conceive a more complete *non sequitur* than that, because the people desired an abolition of ceremonies, which were intended to substitute a religion of the imagination for that of the heart, in order to prepare the public mind for the doctrine of passive obedience in the state, ceremonies which were not so inhumanly enforced as altogether insignificant, but which implied points of faith universally abhorred—that because they desired to reduce the power of a body, or even to abolish the order that had so monstrously abused their function against the

Strafford, who had long ago foretold, that if the king were forced to call a parliament he, as a chief minister, would be sacrificed to the public resentment, and whose injustice and unrelenting barbarity had made him personal enemies, who were resolved to pursue him to the scaffold, now solicited leave to retire to his government of Ireland, or to remain with the army at York, that, removed from the eye of parliament, he might elude its vengeance; but Charles, who depended much upon his advice, insisted on his being near his person, assuring him that not a hair of his head should be touched.* The event proved that, though in despite of experience, the king continued obstinately blind in regard to the posture of affairs, his minister had discernment to perceive that the royal power which had raised him, and countenanced him in injustice, was unable to protect him in the hour of retribution.

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Stafford ordered to attend the king against his own wish; but under an assurance of protection.

civil and religious privileges of the nation,—‘therefore, that the controversy between the parties was almost wholly theological, and that of the most frivolous and and ridiculous kind.’ Did it really follow that, because this was one branch of grievance, there was no other? With such logic, we should not wonder at his conclusions, even independently of his statements. But was this author so unphilosophical and uncharitable as to conclude, that because all points of faith were, in the abstract, viewed with indifference by himself, the people might justly be compelled, by bloody persecution, to embrace any religious innovations at the will of the prince? Did he not perceive the political consequences of these innovations? and infer that, as they were imposed out of political motives, so they were justly resisted on the same principle? It is strange, too, that great part of his argument goes to establish that new ideas of government had sprung up during the dynasty of the Stuarts, and yet that elsewhere he ascribes all to religion.

* Whitelocke, p. 37. This writer

tells us that, as the parliament was to meet on the 3rd of November, ‘some persuaded the archbishop to get it adjourned for two or three days, because that the third of November was an ominous day; the parliament called on that day, 20 H. VIII., beginning with the fall of Cardinal Wolsey and ending in the dissolution of abbeys; but the archbishop took little heed of any such things.’ But Laud does not allude to the caution in his *Diary*, while he faithfully records other omens which alarmed him. On January 24th, 1640, his father appeared in a dream, and asked, ‘What he did there?’ Laud, after some speech, inquired, how long he would stay. ‘He answered,’ (we give Laud’s own words,) “‘he would stay till he had me away with him.’” I am not moved with dreams; yet I thought fit to remember this.’ On October 27th, he found, on entering his study, that his picture, which was hung there, had fallen upon its face, on the floor. ‘I am almost every day threatened with my ruin in parliament,’ says he, ‘God grant this be no omen.’

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III.

Parlia-
ment meets
November
3, 1690.
Lenthall
chosen
speaker of
the Com-
mons.

The king, who depended much upon the dexterity of the speaker of the Lower House for managing the Commons, had predetermined to have Sir Thomas Gardner, recorder of London, appointed to that situation; but, notwithstanding all the efforts of government, the people, who knew the character of the man, (he was afterwards impeached for recommending ship-money,) declined to return him as one of their representatives;* and Mr. Lenthall, a bencher of Lincoln's Inn, and a lawyer of great practice, was nominated by the Commons at the desire of the crown. It was not without difficulty that he accepted of the office.

Grievances
detailed by
Pym and
others.

The Commons assembled in great numbers, and the court party soon discovered that, as the national grievances had been aggravated by the dissolution of the late parliament and the subsequent proceedings, so the popular spirit assumed a far more decided tone. Committees for grievances were nominated, and the deplorable state of the kingdom was depicted by Pym, followed by many others, in a style as just as pathetic; and, since we have just adverted to Mr. Hume's statements, we may here remark, that it is inconceivable how, with these speeches before him, in which the various forms assumed by arbitrary power against all law and the rights of person and property, are detailed in language which, while it does credit to the speakers, appals the reader, he should have ascribed the fervour which pervaded all classes against such multiform abuses, solely to disgust at a few

* Clar. *Hist.* vol. i. p. 295 *et seq.*, and Appendix B, which it would be amusing to compare with the other. Of course, this writer attributes his non-election to the strength of the faction; yet himself joined the faction at the outset. No character has been more misconceived than Clarendon's. Burnet (vol. i. pp. 159 *et seq.*, 269 *et seq.*), who liked him for his bigoted attachment to episcopacy, says, that when, on the Restoration, the tide of

loyalty would have made the monarch independent of parliamentary supplies, Clarendon would not avail himself of it, and thus laid the foundation of his own ruin. But whatever apology Burnet might have for this statement in the erroneous reports he received, subsequent historians have none. For, independently of all other authorities, the publication of Clarendon's life, written by himself (as well as his secret papers), completely disproves it.

trifling ceremonies. The court faction, who could not deny the extent of the evil, did not even attempt to oppose the general complaint; and Charles, after having dissolved the last parliament like the three preceding, because it preferred the consideration of grievancès to his demand for immediate supply, discovered now the truth which had been predicted,—that the next would take up the ground of its predecessor, and with a bolder spirit. Such, indeed, was the unanimity of the house, that as every abuse was proposed for censure, it was immediately voted to be a grievance, without a dissenting voice.*

Amongst the first acts of the Commons was one of strict justice—that of issuing an order for the appearance of Prynne, Bastwick, and Burton, who after losing their ears, and suffering other detestable punishments, were sent to languish out their existence in solitary confinement, each transported to a separate island; while the access of friends and kindred was strictly interdicted, and themselves denied the use of books, pen, ink, and paper. Laud, with his coadjutors, had thence fondly flattered himself, that the voice of these wretched victims of oppression would never molest him more; and that, at all events, his own elevation was too strongly fenced with power ever to dread that retributive justice which ought to have alarmed his conscience. But he was miserably mistaken; Prynne survived to pursue him to the scaffold.—By thus sending for those individuals, the Commons did not reverse their sentences. These did not warrant their being sent out of England; and therefore the Lower House merely took under its protection men whose inhuman punishment there was not even the pretext of a judgment to authorise. It was so contrived that Prynne and Burton landed at one point at the same

An order
of the
Commons
for the
appearance
of Prynne,
Bastwick,
and Bur-
ton, &c.

* Whitelocke, p. 38; Clar. p. 171; Cobbett's *Parl. Hist.* vol. ii. p. 630 *et seq.*; *Old Parl. Hist.* vol. ix. p. 17 *et seq.*; Rush. vol. iii. p. 1364; see p. 1336 *et seq.*, vol. iii. p. 1 *et seq.*

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III.A resolution
against
monopolists.

time; and they were conducted to the metropolis by an immense crowd in military triumph.*

As monopolists so grossly infringed the law, they were, as unworthy of legislating for a people whose rights they had violated, banished the house, to which they had been elected by court influence; and new writs were issued for fresh elections.†

Great occasions, as we have frequently remarked, call forth talent to meet them; and when the cause of liberty flourishes, it never wants advocates. Virtuous men may deplore the evil of the times; but they would cease to deserve the character of virtuous, did they encourage resistance to arbitrary power without a prospect of success. When a favourable juncture occurs, however, then they nobly exert themselves in the public cause; then the wavering are confirmed, and even the former tools of injustice unblushingly pretend to patriotism. The present crisis was one which demanded the exertion of all the human powers; the House of Commons afforded a field for the successful development of profound knowledge and solid judgment, conveyed in a stream of masculine eloquence; and the characters unfolded would not suffer by a comparison with the worthies of any age or nation. The individual to whom all men looked as the prime leader in the present perilous juncture was Hampden; and he did not belie the general opinion either of his understanding or integrity. Regarded as the statesman most qualified to recover, and vindicate,

Character
of Hamp-
den.

* *Journals of Commons*, 7th Nov. see also about Leighton and Lilburn, in 9th, Smart, in 10th; *Old Parl. Hist.* vol. ix. p. 34; *Clar.* vol. i. p. 199; *Whitelocke*, p. 39; *Baillie*, vol. i. p. 276: 'On Saturday, Burton and Prynne came through the most of the citie triumphantlie; never here such a like show: about a thousand horse, and as some of good note sayes, above four thousand; above a hundred coaches, and as many sayes above two hundred; with a world of

foot, every one with their rosemary branch. Bastwick is not yet come from Sillie' (Scilly); 'this galled the bishops exceedinglie' (*Ibid.*). The letter is dated the 2nd December (1640), and is addressed by Baillie to the presbytery of Irvine, of which he was a member. Mr. Hume does not do himself justice in his remarks upon this case.

† *Journals of Commons*, 9th; *Cobbett's Parliamentary History*, vol. ii. p. 651; *Whitelocke*, p. 38.

the violated and insulted rights of his country, he was yet sufficiently modest and self-possessed not to abuse his popularity by embracing every opportunity to attract the public notice. Though his judgment privately directed in every question, he reserved his powers as a speaker for the grand emergencies alone. The man who had braved authority might have been expected to be violent in his temper and morose in his manner; but it was his peculiar virtue to unite the mildest and most affable disposition to unshaken firmness, both as a statesman and a soldier. In early life, he had not been altogether free from that licence which commonly accompanies large fortune and eminent station; but no one ever insinuated against him behaviour that indicated a rotten or selfish heart, or even inveterate habits of licentiousness; and early sensible of his error, he corrected it without losing that cheerful affability which had partly seduced him into imprudent indulgence.* As it is great occasions only which present opportunities for the exertion of popular talents, so the men who figure then are generally such as have scarcely hitherto engaged in public affairs; and yet nothing is more common than the attempt to deny the genius which distinguishes itself in a tempestuous season by remarking its previous want of distinction. Ordinary heads are necessarily the best calculated for ordinary business, since nothing can be well accomplished, which is not zealously undertaken, and small matters, to which they are fully adequate, engross all their vigour; while, on the other hand, a

* Whitelocke (p. 70) gives Hampden a high character for talent as well as worth, yet says: 'He spoke rationally and subtilly and often proposed doubts more than he solved.' 'There is great ability, and, considering that the author was not only a keen partisan, but undertook his history for the king's vindication, even impartiality, in Clarendon's character of the same individual (vol.

i. p. 323 *et seq.*; vol. ii. pp. 15, 91 *et seq.* See also what is printed in p. 88 *et seq.* as a note from the manuscript. It is rather less favourable). As might be expected, the author imputes bad motives, but he does full justice to his many great and estimable qualities; and it would have been well had Mr. Hume studied it.

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great mind, ever forming to itself a lofty standard, is at once conscious of being too far above the business, and yet is naturally diffident of its own powers: it cannot enter with alacrity into affairs which afford no room for the trial of its strength: it doubts its ability not in comparison of those around—it never measures itself with them—but of the model which imagination always presents. When, however, the great juncture occurs, then its vigour is roused, and while other minds sink under, it rises superior to, an inexperienced emergency. This seems to have been the case of Hampden: he was returned to the second and third parliaments of this prince; and yet, though he afterwards so fully proved his aptitude to express his sentiments both with fluency and signal precision, he does not appear at that time to have ever tried his powers. But all men of discernment, who had an opportunity of conversing with him, remarked his extraordinary talents; and as his affability charmed, while his integrity gained him profound respect, his reputation, heightened by his refusal of ship-money, rose high before he distinguished himself in the senate. There, he was at once regarded by all as their sheet-anchor; and none was ever better calculated to improve the favourable impression. His assiduity was indefatigable; his manner bespoke only an anxiety to obtain information, and his adversaries could not withhold their esteem; but his modesty did not prevent him from leading those who were flattered by an appeal to their understanding.

Pym.

The next great character was Pym, who, to a perfect knowledge of forms, which, from the long disuse of parliaments, was extremely valuable, united a clear, vigorous judgment and profound information, together with the eloquence of a man of business and a character of uniform uprightness. Such a speaker could not fail to be listened to. It has been said that his sagacity was more fitted for use than ornament; and a better compliment could not

have been paid. Rhetorical flourishes are innocent enough in the absence of real business, but they are impertinent when men are assembled to discuss the deepest concerns of a great nation; and, however an artful speaker may inflame the passions, none will ever be heard with patience on momentous occasions who have not at least the characters of capacity for affairs. Sir Harry Vane, the younger, displayed uncommon intellectual powers and a masculine eloquence, together with an ardent enthusiasm of temper, which fervently embraced alike state policy and religion. He was prepared for sharp remedies to the alarming grievances of the commonwealth; yet he does not appear to have been at any time transported with the passion of vengeance, or to have acted under the influence of selfishness.

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Sir Harry
Vane, the
younger.

The temper of St. John was haughty and vehement, but his principles had been consistent, and his talents were universally respected. As a lawyer, his abilities and learning were everywhere admitted; and the old English lawyers (witness Bacon, Coke, Selden, Whitelocke, Clarendon, Maynard, and others) united to their professional attainments general information and accomplishments, which do not appear to have descended to their successors.*

St. John.

* 'Some persons,' says Mr. Hume, 'partial to the patriots of this age, have ventured to put them in balance with the most illustrious characters of antiquity; and mentioned the names of Pym, Hampden, Vane, as a just parallel to those of Cato, Brutus, Cassius. Profound capacity, indeed, undaunted courage, extensive enterprise; in these particulars perhaps the Romans do not much surpass the English worthies; but what a difference when the discourse, conduct, conversation, and private as well as public behaviour of both are inspected! Compare only one circumstance, and consider its consequences: The leisure of those noble ancients was totally employed in the

cultivation of polite letters and civilized society: the whole discourse and language of the moderns were polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy.' It has ever appeared to me, that the works of this celebrated author, with all their genius, and no one is readier than I to allow their merits, betray the occasional rawness of a solitary student, who has not surveyed society with a practical eye, and that he was not devoid of a species of intolerant bigotry, though of a different kind from that he everywhere censures, as well as of an interested predilection for the aristocracy of letters. In this passage, I conceive that we

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Remonstrance of the Irish parliament against Strafford reported to the Commons.

A committee had been appointed for Irish affairs, and a remonstrance from the Irish parliament was reported by it to the house. In this remonstrance the Irish complained that industry had been suspended, and trade

have a proof of it. Polite letters, &c. are only so far worthy of admiration as they enlarge the capacity and improve the heart; and, therefore, in estimating a public character, we have no occasion to inquire into his private conduct unless in so far as it is spent in vice; for good private conduct is the best security for purity in public life. Of the private discourse and studies of the ancients, we know little; and the author has reviled the moderns without foundation. Was Hampden a hypocrite, and was his discourse full of cant, &c.? The account of Clarendon would lead us to infer the very reverse. Were the English worthies ignorant of Grecian philosophy and eloquence, or of polite letters? The great blemish of the public speaking, &c. of that age, is the pedantry which a familiar acquaintance with ancient literature produced; and it ought to be remembered, that to Grecian philosophy they joined that of Bacon, &c.; to the polite literature of Greece, the works of Speuser and Shakspeare, not to mention others. That they were sincerely devoted to the Christian religion is unquestionable; but surely it will not thence be contended that they were incapable either of relishing polite literature and philosophy, or of themselves displaying the highest reach of genius. If it were, Shakspeare ought not to be admired, nor Milton read: nay, the grand discoveries of Newton should be despised. With regard to the public conduct of the English worthies, it may well be put in competition with that of the ancients, for their patriotism, I will venture to affirm, was as unsullied, and more usefully directed; while their capacities, courage, and enterprise were not inferior. Even in the conduct of those an-

cients, Mr. Hume might have discovered a useful lesson for his direction in estimating the proceedings of this reign. Those noble ancients, though above the superstition of their age, had too much good sense to insult and provoke, far less persecute their countrymen, upon their religion.

Since I am upon this subject, I cannot refrain from noticing another attempt to lower the character of Hampden. 'Then,' says he, '*was displayed the mighty ambition of Hampden, taught disguise, not moderation from former restraint*'; supported by courage, conducted by prudence, embellished by modesty; *but whether founded in a love of power, or zeal for liberty, is still, from his untimely end, left doubtful and uncertain.*' Now, I really do think, that when the character of a statesman cannot be assailed with the imputation of a single vice, it is a little hard to insinuate away his fame by alleging that he might, had he lived longer, by swerving from virtue, have betrayed an original depravity. Such an ordeal no character can pass unsullied; and the author might have considered that the same objection could be brought to his favourites, Brutus and Cassius. Might it not be said too, that Cato probably would have been as great a usurper as Julius Cæsar, if he had been as successful? But this last member of the sentence, faulty as it is, was meant to meet objections to the preceding members, without destroying their effect. By setting out with an attack upon the mighty ambition and the disguise of Hampden, the author had really determined the question as to his motives, which he yet concludes with saying had been left doubtful.

extremely injured by new and illegal impositions and destructive monopolies, joined to other arbitrary proceedings; that all causes, real and personal, had been arbitrarily determined by the council, from which there was no appeal; that there was a monopoly of tobacco, which, under the pretext of increasing the revenue, was in reality a fund of a private emolument to the lieutenant; that they were grievously oppressed by the court of High Commission, a species of nuisance which cried aloud for redress in all the three kingdoms; that a proclamation had been issued by Strafford, forbidding the departure of any individual for England without a licence, which was never allowed without exorbitant fees; and that while many subsidies had been granted, the king was still in debt. They concluded with demanding an account of the public treasure, and desiring either a present redress of grievances or access to the king.* The cause, as minister, of all these evils, was Wentworth, earl of Strafford, who had arrogated to himself all the judicial powers, which he had exercised with an iniquity worthy of such a usurpation, and yet had encouraged Laud to follow his example in England; who had himself obtained the patent for tobacco, by which he is said to have amassed a large sum; and who, in short, had, in every instance, substituted his own will for the law of the land, and even the natural obligations of justice. The manners of the man had, in all respects, corresponded with the arbitrariness of his actions. It might be alleged that the external deference which he even applied to the king for liberty to exact in Ireland, was an homage to his office, not to himself; but as his treatment of parliament, which he threatened into the grant of large subsidies, was inconsistent with the duty of a public character, his conduct in all respects was so like that of a bashaw, that, as appears from his own letters, the title had been bestowed

* *Journals of Lords*, 7th January; vol. iv. p. 53; see also p. 220, vol. viii.
Cobbett's Parl. Hist. vol. ii. p. 669; pp. 7, 11 *et seq.*
Old Parl. Hist. vol. ix. p. 40; Rush.

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upon him by the general voice of that kingdom. In his correspondence, we find him ever lamenting to the king or Laud that he was grossly maligned, and deprecating the consequences which the complaints of that people—complaints which he ascribed to an aversion of authority—might have upon his master; and declaring himself innocent of the crime imputed to him, of amassing a fortune at the public expense.* These letters were intended to meet the murmurs which he could not suppress; but, that the voice of complaint should be as much stifled as possible, he prohibited the unfortunate victims of his tyranny from quitting the island, lest they should have an opportunity of uttering their grievances to the throne. The day of retribution, however, had at last arrived, when the united cry of three kingdoms, with all the personal wrongs of individuals, called for justice. It will therefore be necessary to give an account of his commitment.

Strafford
committed
on a charge
of high
treason by
the Com-
mons,
November
11, 1640.

On the 11th of November, a motion was made by Pym for his impeachment; and as it met with the universal approbation of the house, it is singular that Clarendon should, without at least taking his own portion of the blame, have afterwards condemned the measure as the height of injustice, and the Commons as extravagantly tyrannical for adopting it; since he himself appears to have joined, instead of attempting to arrest the torrent. Lord Falkland, indeed, stated, that while he agreed with his brethren in the propriety of the measure, he conceived that it would be advisable to pause till they had digested the articles against the accused; but Pym, who had named Strafford as the greatest enemy to the liberties of his country, and promoter of tyranny, that any age had ever produced, answered, that such a delay might probably blast all their hopes, as such was Strafford's influence with the king and queen, and so loudly did his own conscience admonish him of the fate he merited, that

* See his *Letters and Disp.*

for his own safety he would likely advise a dissolution of the parliament, or fall upon some other desperate measure, though it should be pregnant with the ruin of the kingdom. The motion was therefore put to the vote, and carried without a dissenting voice. Pym then, followed by the house, went to the bar of the Lords, and, in the name of the Commons, accused Thomas, earl of Strafford, of high treason. The accused, it is said, having obtained proof of the correspondence held between some of his prime adversaries in both houses and the Scots, had determined to anticipate the blow by impeaching them—a circumstance which, it is alleged, and possibly with reason, quickened the motions of the popular party against him;* for though it is extremely improbable that, in the present posture of things, his charge against popular characters would have been seriously entertained, the event might have created leisure for the court to concert new measures. When the impeachment was announced to him, he came to the house with his usual proud, stern look; but, to his mortification, he was instantly ordered to withdraw, and then brought to the bar on his knees to hear the charge of the Commons. He attempted to speak, but was refused an audience, and committed to the usher of the black rod. These proceedings against a man who had just been regarded with terror in all quarters, drew together a crowd to the door, who, as he passed, all gazed, ‘no one capping to him, before whom, that morning, the greatest in England would have stood discovered (uncovered), all crying, “What is the matter?” He said, “A small matter, I warrand you.” They replied, “High treason is a small matter.”’† When he had reached the place where he expected his coach, he was disappointed to learn that it had been taken to a different station, and that he must repass the crowd, which had enjoyed his humiliation. After he did gain his coach, the usher,

* *Laud's Troubles*, p. 85; *Clar.* vol. i. p. 175.

† *Baillie*, vol. i. p. 272 *et seq.*

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whose faculties seem to have been overpowered by so unexpected an event, now recollected his duty, and informed the earl that, being his prisoner, his lordship must accompany him, not in his own, but the usher's coach; and he was forthwith conducted to the Tower. 'Intollerable pryde and oppression,' observes Baillie on this occurrence, 'cryes to heaven for a vengeance.'*

Laud committed on a charge of high treason.

Laud, as the prime mover of the religious innovations in Scotland, had been charged by that people as one of the grand incendiaries, and he was impeached accordingly; but, in spite of his former power to do mischief, he soon became so contemptible that 'all cast him out of their thoughts as a pendicle at the lieutenant's ear.'†

Windebanke flies.

Windebanke, understanding that the Commons were prepared to charge him as an enemy to church and state, an open protector of Seminary priests and Jesuits, and a promoter of their religion, absconded to the Continent, and at Paris, where he fixed his residence, forgot his degradation in merriment, telling all that he ever knew or did, and declaring that he had acted, in all cases, by the express injunctions of the king and queen, and that his majesty had assisted him in his escape. It is also said that he died a professed papist.‡ The Lord Keeper Finch had betrayed his duty as speaker to the parliament of 1628, and had subsequently been the most zealous in promoting every iniquitous measure: his knowledge of law, which indeed was limited, he had prostituted to the vilest of all purposes—that of unhinging the rights of property, and inventing pretexts for oppression, (he was the individual who had, by threats and promises, first extorted the extrajudicial opinion of the judges in favour of ship-

Finch impeached. His flight.

* Whitelocke, p. 38; Clar. vol. i. p. 299 *et seq.* with Appendix B; *Journals of both Houses*, 11th November; Cobbett's *Parl. Hist.* vol. ii. p. 732 *et seq.*; Rush. vol. iv. p. 42; May, p. 88; Baillie's *Let.* vol. i. p. 217.

† *Journals of Lords*, 18th December, 26th February, 1641, *et postea*;

Cobbett's *Parl. Hist.* vol. ii. p. 680; Whitelocke, p. 39; Clar. vol. i. p. 309 and Appendix B; Baillie's *Let.* vol. i. p. 250.

‡ Clar. *Papers*, vol. ii. p. 134; *Hist.* vol. i. p. 310 *et seq.*, Appendix B, p. 526 *et seq.*; Whitelocke, p. 39.

money, and afterwards, in Hampden's case, again threatened them ;) and he had even declared from the bench, that a resolution of the council-board should always be a sufficient ground for him to make a decree in chancery : yet, when now impeached by the Commons, he, with an effrontery absolutely inconceivable, eloquently harangued them upon his innocence. The commencement of his speech was as mean as it was false. 'I give you thanks,' says he, 'for granting me admittance to your presence : I come not to preserve myself and fortunes, but to preserve your good opinion of me : for, I profess, I had rather beg my bread from door to door, with *date obolum Belisario*, with your favour, than be ever so high with your displeasure.' He concluded thus : 'If I may not live to serve you, I desire I may die in your good opinion and favour.'* This was the language of the man who had attempted to cut up parliaments by the roots ; and in all things substitute the will of the prince for law : yet we are told by Whitelocke that 'many were exceedingly taken by his eloquence and carriage, and that it was a sad sight to see a person of greatness, parts, and favour, appear in such a posture, before such an assembly, to plead for his life and fortunes.' The articles against him were to this effect : That he had traitorously endeavoured to subvert the fundamental laws and the established constitution of England, and to introduce an arbitrary and tyrannical government : that, in the accomplishment of his traitorous purposes, he had, as speaker of the House of Commons, in the third and fourth of his majesty's reign, prevented the reading of a remonstrance relative to the safety of the king and state, and the preservation of religion, declaring that, if any offered to speak, he would immediately leave the house, which he accordingly did—a proceeding that tended to subvert the ancient and undoubted right of parliaments : that, as one of his majesty's council, he had

* Cobbett's *Parl. Hist.* vol. ii. p. 685 *et seq.* ; Rush, vol. iv. p. 129 *et seq.* ; Whitelocke, p. 39.

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endeavoured to enlarge the forests, particularly in Essex, beyond due bounds: that, when chief justice in 1635, he drew the questions propounded to the judges regarding ship-money, and had, by undue means, obtained their signatures to an opinion previously prepared by him: that he had given his opinion against Mr. Hampden in the Exchequer Chamber, and had threatened the other judges to prevail on them to concur with him: that he published in his circuit that the king's right to ship-money was so inherent in the crown, that no act of the legislature could take it away, and had threatened all who resisted the assessment: that, in his character of chief justice of the Common Pleas, he had transacted the greater part of the business in his own chamber, and had, in his judicial capacity, committed various acts of gross corruption, of which a list was given; and that he had tried to incense the king against parliaments, and advised the declaration which was published after the dissolution of the last.—Well aware that every one of these articles could be distinctly proved against him, Finch prudently fled; and the Commons, who deemed one or two sacrifices to justice sufficient, and properly selected the most dangerous characters, as well as the most wicked, are, with the appearance of truth, accused of having connived at his escape.* The Commons still, however, gave in their charge to the Lords, and the duty of presenting it was devolved upon Lord Falkland, who is reputed by Clarendon to have been one of the brightest characters in history, and who died fighting under the royal banners. He observed that the charge required no assistance from the bringer, 'leaving,' says he, 'not so much as a colour for any defence, and including all possible evidence and all possible aggravation, that addition alone excepted, which he alone could have made, and has made, I mean

* Clar. vol. i. p. 309 *et seq.*, Appendix B, p. 522 *et seq.* This author admits, that if an attempt to under-

mine the established laws were treason, Finch was notoriously guilty.

his confession included in his flight. There are many mighty crimes—crimes of supererogation, so that high treason is but a part of his charge, pursuing him fervently in every several condition ; being a silent speaker, an unjust judge, and an unconscionable keeper. His life appears a perpetual warfare, by mines and batteries, against our fundamental laws, which, by his own confession, several conquests had left untouched ; *against the excellent constitution of this kingdom, which hath made it appear to strangers rather an ideal than a real commonwealth, and produced the honour and happiness of this as the wonder of every other nation.* He practised the annihilating of ancient and notorious perambulations of the whole kingdom—the meers and boundaries between the liberties of the subject and sovereign power. He endeavoured to have all tenures *durante bene placito*, to bring all law from his majesty's courts into his majesty's breast.* This extract is illustrative of the temper of the Commons, and throws light upon the character of Falkland, who died fighting for the king, while it completely disproves the notion, that the English were not sensible of the superior nature of their government, and that they were now merely inflamed with bigoted rage against a few unmeaning ceremonies introduced into the public worship—a notion altogether irreconcilable, not only with the temper of this assembly, but of every parliament which had been summoned during the dynasty of the Stuarts.

Sir George Ratcliffe, the former fellow-sufferer with Strafford for refusing the loan, but since his instrument and coadjutor in all arbitrary ways, was likewise charged with high treason.†

Sir George
Ratcliffe
com-
mitted.

As ship-money was voted to be illegal, so general resolutions were passed, that the judges who had acted in that business, together with the lieutenants, &c. of coun-

Proceed-
ings
against the
judges, &c.
for ship-
money, &c.

* *Old Parl. Hist.* vol. ix. p. 130 ;
Cobbett's *Parl. Hist.* vol. ii. p. 605.

† *Journals of Commons*, 13th No-
vember, *et postea* ; of *Lords*, 20th

December, *et postea* ; *Old Parl. Hist.*
vol. ix. pp. 51, 153 *et seq.* ; Cobbett's
Parl. Hist. vol. ii. p. 608 *et seq.*

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ties, should be prosecuted for their presumption, and be liable in damages to the parties injured. Against some of the judges regular impeachments were brought, both on this and other accounts; Berkley was charged with high treason and arrested on the bench.* The lieutenants had only to complain that the threat of prosecution impended over them; and the proceeding has been unqualifiedly condemned, because the duty had been imposed upon them; but some of them were themselves privy councillors, and consequently to a certain extent primarily accessory to the unlawful tax, while they ought to have resigned their places rather than comply with an unjust command against the community.† The king himself is protected by law as incapable of doing wrong, and unless the servant were responsible, there could be no check upon the executive; while it is evident that, without unjust ministers, the monarch's acts could scarcely be injurious. On the same principles, the farmers of the customs were ordered to be prosecuted; and they compounded for their extortions by paying 150,000*l.* The various tyrannical sentences of the Star Chamber and High Commission courts were resolved by the Commons to be illegal; and it having been farther resolved that reparation should be made to the sufferers out of the delinquents' estates, the cases were transmitted to the Lords, by whom the sentences were reversed.‡ It was likewise resolved by both houses that the convocation has no power to make canons, or impose taxes, without the intervention of the legislature; that both on that account, and from their abstract tendency, the late proceedings were against the

* *Journals of Lords*, 12th Feb. 1641.

† Whitelocke, p. 40; *Journal of Lords*, 22nd Dec. *et postea*; of *Commons*, 12th February, 1641.

‡ Clarendon, vol. i. pp. 314 *et seq.*, 349 *et seq.*, and Append. C; *Journ. of Commons*, 8th and 22nd Dec. 1640; 20th April, 1641; of *Lords*, 20th

May. Clarendon, who does justice to Bastwick's Latin style, says, that he was unknown to either university or the College of Physicians; but there is an express order of the Commons, 11th June, to restore him to the College of Physicians (Cob. *Parl. Hist.* vol. ii. pp. 671-700; Rush. vol. ii. p. 469).

fundamental laws of the realm ; and that the members of the convocation were liable to punishment. A bill to that effect was ordered, and immediately brought into the Lower House.*

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Other ecclesiastics besides Laud fell under the animadversion of the Commons, and were ordered to be impeached—as Wren, bishop of Ely ; Pierce, bishop of Bath and Wells ; and Dr. Cosens. The two first were informed against for many high crimes and misdemeanours—practising and enforcing superstition and idolatry, and persecuting all who did not join in their innovations. They were therefore ordered to give bail for 10,000*l.* to stand trial.† Cosens was charged with a variety of articles to the following effect : he removed the communion-table from its old situation in the body of the church, and placed it in the east end altar-wise—an alteration on which he expended 200*l.* of the public money entrusted to him : he restored, and got gloriously painted, images which had been defaced by the commission under Elizabeth : he officiated at the sacrament with his back to the people, according to the popish practice ; had boys with tapers, and all the bows of the Romish superstition, used in the sacrifice of the mass ; had a consecrated knife, which he would not permit to be defiled to profane uses, for cutting the communion bread ; had declared that the Reformers, when they took away the mass, took away all good order, and instead of a reformed, made a deformed religion : he had so pertinaciously insisted upon the people bowing to the altar, &c., that when some ladies omitted the ceremony, he called them jades and pagans, &c., and, quitting his place, laid violent hands on them, in the face of the congregation, and rent their clothes : he had converted several prayers in the Liturgy into hymns, to be sung to the organ, and had

Impeachment of
Wren,
Pierce, and
Cosens.

* *Journals of Commons*, 16th of December, *et postea* ; of *Commons*, p. 194, 24th December ; Cobbett's *Parl. Hist.* vol.

† *Journal of Lords*, 19th December, ii. pp. 682, 702.

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neglected psalms : one Candlemas-day, he had lighted up three hundred wax candles in honour of our lady, three-score of which he had placed on and about the altar : before his marriage, he had worn a white satin cope, which he laid aside when he took a wife : he had denied the royal supremacy, having declared that the king had no more power over the church than the boy who rubbed his horse's heels ; and had aggravated all these superstitions, and the denial of the supremacy, by the most cruel persecution—particularly against Smart, a prebendary, and likewise against one of the canons.*

Petition
against
episco-
pacy, &c.

Episcopacy had, at the Reformation, been declared to be a human institution, under the appointment, as well as control, of the throne ; but the whole endeavour of the government lately, had been to make the hierarchy appear a divine institution, independent of civil authority ; and the new doctrine, as it inflamed a party on religious grounds, raised a powerful addition to that party even from amongst those who neither were Puritans nor ini-

* *Old Parl. Hist.* vol. ix. p. 193 ; *Cobbett's Parl. Hist.* vol. ii. p. 725 ; *Rush.* vol. iv. p. 208. See his case in Howell's *State Trials*, vol. iv. As Cosens was appointed chaplain to the royal family abroad during the life of Charles, it is clear that he (Charles) meant to make no concession to the popular wish, though it appears by his *Letters* that he adhered to episcopacy from political motives alone (*Clar. State Papers*, vol. ii). A petition was presented against Dr. Layfield, and the facts are said, by the report of the committee, to be fully proved. It sets forth that he had placed the communion-table altar-wise, and raised ten rails, with ten several images upon those rails, to be set at the altar ; that he bowed three times,—1st, at his going to the rails ; 2^{dly}, within the rails ; 3^{dly}, at the table ; and so in the return. But that after the images were taken down, he bowed only twice—at the rails

and the table—' which is an argument that he bowed before to the images.' That he caused J. H. S. to be set in gold letters upon the table, and forty places besides ; and said to the people, ' Heretofore, we saw Christ by faith ; but now with our fleshly eyes we see him in the sacrament.' That he charged the people with sacrilege for taking down the images. That he caused one Boulton to be excommunicated for not coming up to the rails, and refused to read his absolution, &c. That he said ' they are black toads, spotted toads, and venomous toads, like Jack Straw and Watt Tyler, that speak against the ceremonies of the church ; and that they were in a state of damnation.' He tells them, ' They must confess their sins, he is their parson, and they ought to do as he advises them ; the sin is his, not theirs,' &c. (*Journ.* 25th November, 1640).

mical to the court. These, perceiving the principle on which the prelates and their supporters advanced the pretension, naturally opposed it, as destructive both of civil and religious liberty; and the cruel tyranny of the bishops, with the new ceremonies which they so intol-erantly enforced, incalculably augmented the number of such as desired the abolition of episcopacy. Had it been the policy of government to make some concessions to the popular wish, or had it even abstained from innova-tion, the hierarchy would, in all probability, have run no hazard; but when men saw in the establishment no secu-rity for their faith, and found it necessary to make a vigorous opposition, they naturally became hostile to an institution which, by wantonly attacking all the prin-ciples on which was supposed to be founded its right to exist, destroyed its own title to the general esteem. Not content with the degree of power enjoyed by their im-mediate predecessors, they would lead back the people to the old superstition, that with it they might enjoy all the consequence attached to it; forgetting that, by the very attempt, they, in the meantime, irrecoverably lost over the public mind the authority which their spiritual func-tion would otherwise have commanded. Firmly attached to the Christian faith, Hampden and his coadjutors, on religious grounds, opposed these innovations; but, had they been really patriotic freethinkers, they could have followed no other course. They were bound to assert the rights of their fellow-subjects, whose consciences were illegally forced; as good citizens, they were called in duty to raise their voices against the attempt to enforce a religion of the imagination, and by such arts to enlist the external senses on the side of the priesthood and of arbitrary power. When, therefore, a declaration, said to be signed by seven hundred ministers of London and the adjacent counties, was presented by ten or a dozen of the cloth at the bar of the Commons, and a petition from the city of London, signed by 15,000 citizens, was presented

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by Alderman Pennington, they did not meet with an unfavourable reception, and the petition was followed by others.* The Commons themselves entered into resolutions against the temporal power of the bishops, and the clergy's enjoying civil offices; but they as yet proceeded no farther; except that they appointed a committee to inquire into the lives of the clergy, who were grievously complained of. Petitions from parishes poured in against many of the cloth, and various scandalous vices were imputed to some of them: superstitious innovations were charged against very many. That they received hard justice is likely; but, on the other hand, it cannot be denied, that though there were amongst them many individuals of great learning and worth, yet that the majority, in their zeal for the advancement of their order, in their cupidity for civil offices, their scrambling and mean truckling for place, as well as in their pitiful arrogance on unexpected power, had alike forgotten the duties and dispositions of Christian pastors and of good citizens. Indeed, it is alleged, that many men of loose lives were appointed to livings for the purpose of affronting the Puritans, and, considering how decent conduct was ridiculed and hated by the ruling party, it is not unlikely.† Whitelocke tells us, too, that 'the House of Commons made an order (and Sir Robert Harlow, the executioner of it) to take away all scandalous pictures, crosses, and figures, within churches and without; and the zealous knight took down the cross in Cheapside, Charing Cross, and other the like monuments impartially.' In this passage the author certainly intends a slight ridicule of the over-zeal of the knight; but Mr. Hume, in order to

* *Old Parl. Hist.* vol. ix. p. 114; *Cob. Parl. Hist.* vol. ii. p. 673; Whitelocke, p. 39; *Clar.* vol. i. p. 356 *et seq.*

† May, p. 81. The manner in which Mr. Hume speaks on this subject is singular. He justifies the in-

novations, and particularly the reading of the king's orders for the Book of Sports, because the 'established government, both in church and state, had strictly enjoined them;' but though the king ordered it, it was directly against law.

throw odium on the age, so far improves his authority as to say, that Harlow's 'abhorrence of that superstitious figure would not any where allow one piece of wood or stone to lie over another at right angles.' In order to enter into the spirit of the proceeding, we must recollect the state of the times. The cross had originally been erected as an object of devotion, and the age of that superstition was too recent to let men regard such things with the indifference to which we are accustomed; but this feeling would have been faint, had it not been for the injudicious attempt to restore image-worship, and the adoration which really began to be paid to such monuments of idolatry. It is by not attending to these matters that a particular period may be misrepresented.

The Scottish army still continued in England, and the royal army was not disbanded. The first did not remain on the south of the Tweed without the approbation of the parliament and people, who plainly foresaw, that should the king be relieved of his embarrassments before the legislature had devised a remedy for the public grievances, he would, according to his past conduct, immediately revert to that arbitrary rule which had brought the kingdom into so deplorable a condition. Parliament, therefore, voted limited supplies, from time to time, allowing the Scots 850*l.* a-day, but leaving their claims unsettled; and, lest the money raised upon the subsidies voted should be diverted from its legitimate object, appointed a committee of both houses, according to the ancient practice, to attend to the expenditure.*

Scottish
army.

The celebrated Alexander Henderson, the leader of the Scottish clergy, the accomplished Baillie, the erudite Gillespie and Blair, were early sent for from Scotland, by the Earl of Rothes and the other commissioners from the parliament of that kingdom, in order that they might

Scottish
clergy in
London.

* *Old Parl. Hist.* vol. ix. pp. 43, 49, 179; *Cobbett's Parl. Hist.* vol. ii. pp. 671, 701, 707; *Journ. of Lords*, 20th Nov. *et postea*; *of Commons*, 5th December, *et postea*; White-locke.

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attend to the interests of their church in the pending treaty. These famous divines preached as chaplains, by turns, in one of the lecture-rooms; and, as was to have been expected at such a juncture, from men of their reputation, capacity, and profound as well as varied erudition, they drew immense crowds: if we may form an estimate of their pulpit-oratory from their works, we may safely pronounce that the English did not discredit themselves by flocking to hear such preachers.*

Triennial
Act, Feb-
ruary 16,
1641.

By statute, a parliament was appointed to be called every year; but, unfortunately, there was no provision in the act for the assembling of the legislature in the event of the sovereign's desiring to avoid it; and, from the late utter departure from the constitutional course, it

* Clarendon, vol. i. p. 331 *et seq*; see also Baillie's *Letters*, vol. i. p. 214 *et seq*. Clarendon says, that 'to hear those sermons there was so great a conflux and resort by the citizens, out of humour and faction; by others of all quality out of curiosity; and by some, that they might the better justify the contempt they had of them; that from the first appearance of day on every Sunday, to the shutting in of the light, the church was never empty. They (especially the women) who had the happiness to get into the church in the morning, (they who could not, hung upon or about the windows without, to be auditors or spectators), keeping their places till the afternoon's exercise was finished; which, both morning and afternoon, except to palates ridiculously corrupted, was the most insipid and flat that could be delivered upon any deliberation' (*Ibid.*). Such language was naturally to have been expected from this historian, whose task of vindicating the royal cause required something of the kind, and whose bigoted dislike to the Presbyterian establishment, and antipathy to the Scots, particularly the clergy, and above all to Henderson, blinded him to any merit in them. But one is amused with Mr. Hume's

statement upon the above authority: 'Those who were so happy as to find access early in the morning, kept their places the whole day: those who were excluded, clung to the doors and windows, in hopes of catching at least some distant murmur or broken phrases of the holy rhetoric. All the eloquence of parliament, now well-refined from pedantry, animated with the spirit of liberty, and employed in the most important interests, was not attended to with such insatiable avidity as were these lectures, delivered with ridiculous cant, and a provincial accent, full of barbarism and ignorance.' As for their provincial accent, the author ought to have had some sympathy for it, and it showed the good sense of the English to overlook it: as for their barbarism and ignorance, it is only necessary to say that, had he perused their works, he would most probably, in spite of all his prejudices, have deeply venerated their profound erudition. Yet the most illiterate field-preachers could not be more contemptuously spoken of: but, it may be observed, that, had the people not flocked zealously to hear such men at such a crisis, it would have been little short of a miracle in nature.

became necessary to make a provision against the abuse. A bill, therefore, like that lately passed in Scotland, was introduced into the Lower House, providing that a parliament, which should not be prorogued or dissolved within a certain time, should be held at least once in three years; and that the sheriffs should themselves issue writs, provided the period elapsed without a parliament.* The passing of this bill by the king gave great satisfaction.

In one instance, the Commons cannot be acquitted of intolerance, though they proceeded according to law. The statutes against Jesuits and Seminary priests, who endeavoured to withdraw the people equally from their religion and allegiance, had never been executed capitally against any who had not likewise been engaged directly in a plot against the state; but parliament, having heard that one Goodman had been convicted, and dreading lest the suspension of the law in his case should pave the way for the pardon of Strafford, insisted upon his execution. Charles at first endeavoured to save the accused, but the convict having himself petitioned for death, that his life might not be a ground of contention, he yielded him up a victim to the parliament, who, having gained their object, permitted the priest to live forgotten.†

Case of
Goodman
the Jesuit.

The select and secret committee for drawing the charge against Strafford devoted themselves indefatigably to the business, and at last brought it forward in twenty-eight different articles. It was presented to the Lords by Pym, and as it filled two hundred sheets of paper, and involved the conduct of the accused for fourteen years, he requested to be allowed three months to prepare his

Strafford.

* Cobbett's *Parl. Hist.* vol. ii. pp. 702-716; *Journ.*

† *Journals of Lords*, 23rd Jan. 1641, *et postea*.; *Old Parl. Hist.* vol. ix. pp. 168, 171, 174, 176; Cobbett's *Parl. Hist.* vol. ii. pp. 710, 712 *et seq.*; see Baillie's *Let.* vol. i. pp. 293,

295, 298. This Jesuit, whose manly offering himself a sacrifice for peace is so creditable to him, had been condemned before and sent away with an assurance that he would be hanged if he returned (p. 293).

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answer. This was deemed too long, but he ~~was~~ allowed from the 30th of January till the 24th of February. A question was agitated whether counsel should be assigned to him in a case of treason; and, after a debate, he was allowed to have counsel in points of law, but not of fact. He selected Sir Richard Lane, Gardiner, and others, who likewise drew his answers.*

In order to save the life of this devoted individual, Charles appointed Mr. St. John solicitor-general; and meant to bestow the high offices on the Earl of Bedford, Lord Say, Messrs. Pym, Hollis, Hampden, and others; but though, with this view, Juxon resigned his treasurer's staff, and Cottington his office of master of the wards, the arrangement failed. Indeed, it could not possibly have succeeded according to the royal expectations; for, from an idea that their popularity both with the English and Scots would enable them to accommodate all matters agreeably to the king, it was intended to unite these men in administration with the very individual whom they were so hotly pursuing. Policy, as well as duty to his people, ought to have dictated the choice of popular ministers; but no mistake is more fatal to a prince, whose misgovernment is so universally condemned, than the notion that, by changing his ministers, he may yet gain the hearts of his people, and continue his misrule. The popularity of individuals arises from the confidence reposed in their principles, and the instant they turn apostates they lose their characters. The tergiversation of statesmen is no doubt useful to bad rulers, by sickening the general mind at all professions, and by the opportunity which it affords them of ridiculing everything like public spirit. But, in the present temper of the kingdom, Charles, had he succeeded in seducing those individuals, would have soon discovered that he had only rendered them

* Clarendon is very disingenuous on this subject, vol. i. p. 394 *et seq.* See Whitelocke, p. 41; *Journals of*

Lords, 19th Nov. *et postea*.; *Old Parl. Hist.* vol. ix. pp. 186, 187; *Cob. Parl. Hist.* vol. ii. p. 740.

the greatest objects of public hate, and roused others to take their place, perhaps on higher ground.*

The trial of Strafford commenced on the 22nd of March, and a more imposing spectacle never was exhibited. It was held in Westminster Hall; and the king and queen, with a vast concourse of ladies, attended. The Lords in their robes, and with the Earl of Arundel, as lord high steward of England, at their head, sat in the middle of the hall, on forms covered with red cloth. The Earl of Lindsay, who was created high constable of England for the occasion, was director of the place. Scaffolds were erected on either side of the hall, and at the lower end of these were seated the members of the Commons as a committee. At the upper end there was a chair or throne, with a cloth of state for the king, with a small chair for the prince; but these were never occupied. A gallery of two apartments was erected on each side, one for the king, queen, prince, Princess Mary, Prince Elector, and some ladies belonging to the court; the other for some high French nobles. In the first of these did Charles daily watch all the proceedings of the whole house; it having been, anterior to the trial, tacitly resolved upon by them to proceed ultimately by act of attainder, and the house, holding it necessary and fit that all the members might be present at the trial, to the end every one might satisfy his own conscience in the giving of their vote to demand judgment.† Hundreds of gentlemen were accommodated with places. At the lower end there was a place for ladies of quality, who, as we have said, resorted to the trial in vast numbers, and soon enlisted themselves on the side of the prisoner.‡ The pre-

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Trial of
Strafford
begins
March 22,
1641.

* Clar. vol. i. p. 369 *et seq.*; see also p. 341; Whitelocke, p. 41; *Sidney Papers*, vol. ii. pp. 664, 666. It is curious that the Earl of Northumberland, on the 3rd December, writes to the Earl of Leicester, that if Bedford got the treasurer's place, it was not by the favour of the par-

liament, 'who is unsatisfied with him, believing him to be gained by the king' (*Id.* p. 664).

† *Journal* for 11th March, p. 102 *et seq.*

‡ *Journals of Lords*, particularly for 19th March; Whitelocke, p. 46; Clarendon, vol. i. p. 376 *et seq.*

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lates did not attend, as the canons of the church forbade their interfering in cases of blood or death.*

Strafford had some advantages of person, and he knew the value of exterior on so momentous an occasion, when, as the subject of this grandly impressive scene, he was necessarily surveyed with the deepest interest and curiosity. His complexion was dark and coarse, but manly; his figure tall, and in some respects well-formed. He naturally stooped much, which would, at another time, have detracted greatly from his appearance; but, being now attributed to his late bodily infirmities, it excited sympathy. He appeared in black, the solemnity of which corresponded with his present fortune; and his carriage was at once modest and dignified. Nothing, indeed, could smooth the contraction of his brows, but as it no longer indicated the stern haughtiness which had raised against him so many personal enemies, it imposed something like a mysterious awe, by inspiring the idea of calm reflection and self-collectedness, becoming in a man who had fallen from such a height of power, while his unwonted affability stole upon those who approached him.†

Substance
of Strafford's im-
peachment.

The substance of the twenty-eight articles of the impeachment was, That he had traitorously endeavoured to subvert the fundamental laws and constitution, both of England and Ireland, and to introduce an arbitrary government in their place; a project which he had developed by traitorous counsels and actions, having even advised his majesty to reduce the people to submission

Harl. MSS. British Museum, No. 1769; Scott's *Somers' Tracts*, vol. iv. p. 230; May, p. 91, 92; *Introd. to the Trial*, by Rush. vol. viii.; Baillie's *Let.* vol. i. p. 314 *et seq.*

* Clar. vol. i. p. 379 *et seq.*; Whitelocke, p. 41; Sanderson, p. 376; *Journals of Lords*.

† Whitelocke, p. 42; Rush. vol. viii. p. 772; Clar. vol. i. p. 218;

Baillie, vol. i. p. 259; *War. Mem.* p. 112; Scott's *Somers' Tracts*, vol. iv. p. 231; Harl. MSS. Brit. Mus. No. 1769; *Mém. par Motteville* tom. i. p. 251. 'Il étoit laid, mais assez agréable de sa personne, et la Reine me contant toutes ces choses, s'arrêta pour mesurer qu'il avoit les plus belles mains du monde.'

by military force: That he had traitorously assumed regal power over the lives and persons of the subjects in both kingdoms: That to enrich himself, and to enable him to carry through his traitorous designs, he had, in spite of the king's necessities, diverted the public money from the state to his own private emolument: That he had traitorously abused the power and authority of his office, by encouraging Papists, that they might assist him in turn: That he had maliciously tried to stir up enmity betwixt the subjects of England and Scotland, and had thus caused the effusion of blood, and the loss of Newcastle: And that, to preserve himself from being questioned, he had endeavoured to subvert the fundamental rights of parliament.*

Such was the substance of the twenty-eight articles, in which were enumerated the various acts of tyranny on which each charge was founded: As that his commission for the Council of York had been, contrary to form and precedents as well as law, altogether unlimited: That all prohibitions had been rejected by him, and that he had fined, disinherited, imprisoned, &c. at discretion; while he had even declared that 'some were all for law, and nothing but law would please them; but that they should find the king's little finger of prerogative was heavier than the lovers of the law;' That in Ireland he had declared the island to be a conquered country, and the charters of Dublin discretionary grants from the crown: That the Earl of Cork had sued out a process for the recovery of his lands, from which he had been ousted by the accused and the council-table, upon a paper petition, without any legal proceeding; and that Strafford threatened to imprison him for adopting this legal course, declaring that he would neither have law nor lawyers to question his orders: That, on another occasion, he had likewise denied justice to this earl, and openly said, that he would

* *Journal of Lords*, 25th Nov. (see for March 25th, *et postea*).

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have him and all Ireland know that, so long as he held the government there, any act of council already made, or which should be thereafter, should be no less obligatory than an act of parliament. He was likewise accused of having, on many other occasions, arrogated power above the laws and the established government. The proceedings against Lord Mountnorris formed other articles. This peer had been hurried before a court-martial without the slightest suspicion of such an event, on a charge of some words loosely spoken at the chancellor's table several months before—words which he denied having ever uttered; and was, by the unjust influence of Strafford, capitally condemned. It was also charged against Strafford that he had thrust this nobleman out of the manor of Timour, in the county of Armagh, which he had quietly possessed upon an undisputed title for eighteen years, by an order of the council-table merely, upon a paper petition of one Richard Ralston. It was charged that Lord Dillon had been thrust out of his possession in consequence of an extrajudicial opinion extorted from the judges: That the Earl of Kildare, for refusing to submit his title and lordship of Castleleigh, to the council-table, was imprisoned, and not even liberated when he had obtained his majesty's letters of enlargement: That a lady of the name of Hibbets, had also been obliged to submit her rights to the council, and had been denied even the benefit of the regular proceedings of that tribunal; for that though the majority voted in her favour, Strafford commanded an order to be entered against her, and threatened that if she refused to submit he would imprison her, and amerce her of 500*l.*; and that, if she continued obstinate, he would double the fine every month. The lady, however, perceived too well the folly of resistance to contend with him. There were many similar instances enumerated; but the most detestable, for it apparently sprang from the most odious motive, was the case of Chancellor Lord Loftus, who had held the seals of Ireland for twenty years

with high reputation. The accused, it would appear, had formed an illicit attachment to this noble judge's daughter-in-law; and as she, though false to her husband's bed, was yet true enough to his pecuniary interest, or rather to her own, she prevailed with her paramour to force her father-in-law into concessions to the son; and because the chancellor refused obedience to an iniquitous award of the council-table, on a paper petition, he was by Strafford not only deprived of the seals but imprisoned.* He was accused of having delegated the arbitrary power which he had assumed, to the Bishop of Down and Connor, and his chancellor, with their several officers, empowering them to attach and imprison the poorer sort who refused obedience to their decrees; of having enhanced the rate of the customs† from a twentieth of the value of the article to a fourth, and sometimes a third; of having restrained the exportation of staples, and then granted a licence for money; of having procured to himself a monopoly of tobacco, and then having prohibited the importation of the commodity without a licence, under the most terrible penalties. The goods of the contraveners were ordered to be seized, themselves subjected to a discretionary fine, imprisonment, and even to the pillory. In this way, he is alleged to have amassed the enormous sum of a hundred thousand pounds. Flax was a staple of Ireland, and it was charged against Strafford, that, having

* Clar. vol. i. pp. 386, 390 *et seq.*; Warwick's *Mem.* pp. 116, 117. Clarendon says that 'The case of the lord chancellor seemed, to common understandings, an act of less violence, because it concerned not life; and had some show of formality at least, if not regularity, in the proceedings; and that which was amiss in it took its growth from a nobler root than the other—*by how much love is a more honourable passion than revenge*' (*Id.* p. 390). The last words printed in italics, were prudently omitted by the original editors.

What a picture of depravity does not the whole exhibit? The same author (*Ibid.*) informs us, that letters of great affection and familiarity which were found in her cabinet at her death (for she was lately dead), were exposed to public view, and we cannot doubt their existence, considering the authority; but he is mistaken so far, for the Commons did not insist on the charge regarding the chancellor—a clear proof that they did not search after scandal. See Rush. and Baillie.

† He farmed the customs himself.

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raised a vast quantity on his own lands, and otherwise engrossed an immense stock, he had prohibited the manufacturing of wool, and then insisted upon the natives spinning the flax in a particular manner, whereby he, in a short time, got a monopoly in his own person, at an infinite expence to the inhabitants: That he had imposed illegal oaths upon shipmasters and others; had exacted taxes by troops of soldiers; and, wherever his orders were resisted, he had quartered a party of soldiers till his commands were fulfilled: That, in the same way, he had driven many families from their possessions: That he had obtained authority from the king to prevent the complaints of the injured from reaching the royal ear, by a proclamation that none should quit the limits of his government, without a licence from himself, and had fined and imprisoned all who had dared to disobey his proclamation: That he had said his majesty was so well pleased with the army in Ireland, that he meant to make it a pattern for England: That he had encouraged Papists, and raised an army of 8000 from that body: That he had imposed an illegal oath upon the Scots in Ireland, and exacted enormous fines of those who refused to take it: That on his late departure from Ireland, he pronounced the Scots all traitors, and declared that, if he returned, he would drive them out root and branch: * That he had stirred up war betwixt England and Scotland; and, though he had advised a parliament, he had assured his majesty at the same time, that he would assist him in extraordinary ways, if it proved refractory; and had for that purpose, confederated with Sir George Ratcliffe to bring over the Irish army: That he afterwards advised the king to

* That he entertained the deliberate purpose of banishing 'all the under Scots in Ulster, by proclamation,' with the exception of a few great landholders, is fully established by a letter from him to Sir George Ratcliffe. His project was to elicit from the Irish House of Commons—which

he unwittingly thought would continue his instrument—a humble request to that effect, than to issue a proclamation grounded upon it (Whitaker's *Life of Rat.* p. 206 *et seq.*). The letter is endorsed by Ratcliffe, '*Proposition Scots rejected by me and crossed.*'

dissolve the parliament, and declared to him, that he was now absolved from all rules of government: That he advised the king to go on vigorously with levying ship-money; and had recommended the prosecution of sheriffs in the Star Chamber for not pursuing measures to raise that illegal tax: That a loan of 100,000*l.* having been demanded of the city of London, and the citizens having declined to advance the money, the names of the principal refusers were demanded: and when the mayor and aldermen had resisted this iniquitous demand, he told them that no good could ever be expected till the mayor and some of the aldermen were hanged: That, by his advice, the bullion in the Tower had been seized, and the measure to debase the coin projected; and when the officers of the mint represented to him the consequences of a debasement of the coin, he answered, that the French king set commissaries of horse to search into men's estates, and to peruse accompts, that they might know what to levy, and that the money was raised by force; that having said this, he turned to the Lord Cottington, who was present, and remarked, that this was a point worthy of his consideration; farther, that he had imposed a tax in the county of York for the maintenance of the trained bands. The twenty-eighth article regarded his conduct in the late war.*

His answer to the charge, prepared by counsel, was specious, but scarcely bore examination; † and no sooner had the Irish parliament felt themselves freed from the terror of his government, than they had drawn up a remonstrance against him. This was read at the beginning of the trial, and so transported Strafford with passion, that he declared there was a conspiracy to take away his life; but the Commons having resented the speech he

* See the *Charge* at length, in Rush. vol. viii., which is filled with this remarkable trial; and which, with Baillie's *Journal*, from p. 313 to

350, forms the most complete report.

† Baillie's *Journal*, pp. 313-350.

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made an apology: Maynard remarked that the remonstrance was not read as a charge, but merely as evidence to contradict what he had said in his preamble.*

Very arbitrary acts during his presidentship of York were proved against him; but he denied that he had been instrumental in procuring the commission chiefly objected to, alleging that he had gone to Ireland about the time the commission was sent down, and that he had never sat as president after the new instructions were framed. That he had never presided in the council after the instructions were sent down is true; but then he had retained the office, and discharged the duty by means of a deputy, so that in effect the whole power was centred in himself; and he, in acting by deputy, necessarily incurred the responsibility. With regard, again, to his instrumentality in obtaining such instructions, it was not directly proved; but as it was distinctly established that he had, on one occasion, thrown himself upon his knees to the king, and prayed of his majesty that he might be permitted to retire from the office, if his authority were restrained by the legal course of a prohibition from Westminster Hall; and as the article against prohibitions, an article which disfranchised the whole northern counties of the privileges of English subjects, formed the grand exception to the instructions, it follows that he must be considered more than the adviser of them. In short, those instructions merely warranted, in the royal name, what he had arrogated and prayed for as a power to be considered inherent in his office, before they were issued. It was also proved that he had threatened to lay any by the heels who sued out a prohibition; and, had his dispatches been open to the inspection of the prosecutors, there would not have been left the colour of an excuse; for he had even used all his influence to accomplish the ruin of a judge, Vernon, for merely acting in the con-

* Rush. vol. viii. p. 127; Baillie's *Journal*, p. 219.

scientious discharge of his duty against the other's usurped power. He also argued with peculiar effrontery, that it was laudable to desire power, that a man might be in a sphere to do the more good.*

We have already given a particular account of the Council of York, and we shall not farther resume the subject here, than to remark, that the first great invasion of liberty had occurred towards the close of the late reign; and that, by the last commission granted by the present king, the whole northern counties were completely disfranchised of their rights. The vindication of the late and present monarch, but particularly of Charles and his advisers, especially Strafford, by Mr. Hume, is perhaps the most singular ever used. 'The court being at first instituted,' says he, 'by a stretch of royal prerogative, it had been usual for the princes to vary the instructions; and the largest authority committed was altogether as legal as the most moderate and most limited.' According to this logic, should a prince erect a court illegally, for the trial of causes below twenty shillings, it could not be any breach of duty in a public minister to advise, and obtain, powers for engrossing every species of cause whatever, involving the persons and lives, as well as real and personal property of the people, and dispensing with the whole established laws. Besides, it ought to be remembered, that an abuse is not sanctioned by its antiquity; and that small matters are frequently overlooked, because no one thinks them worth his interference: but, if the inveteracy of a trifling abuse, which has only been submitted to because it was deemed unworthy of notice, were to form a justification for at once overturning the whole established laws, it would be preposterous to talk of anything like law or a constitution in a state. The origin of that court, which Mr. Hume appears to have little studied, has been ex-

* *Charge I.*; see also vol. ii. of *lie's Journal*, p. 219; *Straff. Let. and Rush.* already referred to, and *Bail-Disp.* vol. i. pp. 129, 130.

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plained ; and the reader need not be reminded, that the judicial powers attempted to be assumed under the Tudors, had been restrained ; that the courts of Westminster were open to that part of the kingdom against any abuse of power or undue arrogation of authority by that tribunal.

The second article charged, that he had said ‘some were all for law, and nothing but law would please them ; but that they should find that the king’s little finger of prerogative should be heavier than the loins of the law,’ was proved by no less than five witnesses. Strafford alleged that he merely said, that they would find the little finger of the law heavier than the loins of the prerogative ; and that he had used the expression relative to knight-money, conceiving that the composition was lower than the legal rate. To prove this he brought forward two witnesses : The first, a Dr. Duncombe, deposed, that he heard a report of the speech afterwards, at a dinner, from one who called himself Sir Edward Stanhope, and that it agreed with Strafford’s own edition : the other was Sir R. Pennyman, who was not sworn, but declared that he was present, and that the account by the accused was correct. With regard to Duncombe, his deposition was not even in the shape of evidence ; and as to Pennyman, of whom Baillie informs us that ‘both here, and manie tymes else, he deponed point blank all he required,’—there were circumstances attending his statement which satisfied all present that he did not speak truth. Maynard, as manager, desired that it might be asked of him when the words first came to his remembrance (no question was put to a witness directly except by the lord high steward), and he answered that he had always remembered them, but that they had been particularly brought to his recollection since they were charged against Strafford. Maynard presently catches him ; that he must be responsible to the house, for not only not having made this statement to the Commons when the charge was voted, but for him-

self having voted to an article which he knew to be unfounded. Upon this there was a general hiss, and Pennyman fell a-weeping; while the prisoner declared, that he would rather commit himself entirely to the mercy of God than any witness for him should incur danger or disgrace. It is needless to observe that the proof was sufficient in law, and that the testimony of these five witnesses finds corroboration in the language used by him in his dispatches, as well as in the very powers usurped by him over the northern counties.*

His answer to that part of the charge which related to Ireland was flaming in the extreme: that he had promoted the cause of religion; increased the revenue of the church; built churches; and preferred learned and orthodox preachers; had advanced the king's power; and had so augmented the revenue as to have paid off large debts, and left a considerable sum in the exchequer: that he had increased the army and governed it by the strictest discipline: that he had been the means of calling parliaments, and putting an end to projects and monopolies as burdensome and grievous to the people: that, under his government, the shipping had increased a hundred fold; trade had prospered, and justice had been administered without partiality or corruption: that the laws of Ireland were quite different from those of England; and that consequently he could not be judged of by the law of the latter: that the council had always exercised an extensive jurisdiction; and that martial law was justified by the practice of his predecessors, who had used it with the same moderation as himself.† To this defence Pym replied thus: 'For religion we say, and shall prove, that he has been diligent indeed to favour innovations—to favour superstition—to favour the encroachments of

* Rush, vol. viii. The five witnesses were, William Long, Sir Thomas Layton, Mar. Pottes, Sir David Fowles, and Sir William In-

gram. See Baillie's *Journal of the Trial*, p. 321 *et seq.*

† See his *Answer* in Rush, vol. viii.

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the clergy ; but, for religion, it never received any advantage from him ; nay, a great deal of hurt.'

'He saith he hath been a great husband for the church, and truly hath brought in many lands to the church ; but he hath brought them in by ways without law, without rules of justice : he hath taken away men's inheritances. And here, my lords, is an offering of rapine ; an offering of injustice and violence ; and will God accept such an offering ? Must the revenues of the church be raised that way ? It is true it was the more in the way of preferment. He knew who sat at the helm here, the Archbishop of Canterbury ; and such services might win more credit with him. It was not an eye to God and religion ; but an eye to his own preferment.'

Mr. Pym then proceeds to consider his statement about building of churches, and says : 'Many churches have been built since his government. Truly, my lords, why he should have any credit or honour if other men built churches I know not : I am sure we hear of no churches he hath built himself. If he would have been careful to have set up good preachers, that would have stirred up devotion in men, and made them desirous of the knowledge of God, and by that means made more churches, it had been something : but I hear nothing of spiritual edification—nothing of the knowledge of God that hath, by his means, been dispersed in that kingdom. And certainly they that strive not to build up men's souls in a spiritual way of edification, let them build all the material churches that can be, they will do no good ; God is not worshipped with walls, but with hearts.'

'He saith that many orthodox and learned preachers have been advanced by his means, and the doctrine and discipline of the church of England by his means protected and defended. My lords, I shall give but two or three patterns of the clergy that he hath preferred : If you will take Dr. Atherton, he is not to be found above ground, for he was hanged for many foul and unspeak-

able offences : Dr. Bramhall hath been preferred to a great bishopric ; but he is a man that now stands charged with high treason : he hath been but two years in Ireland, and yet he hath laid out at least 30,000*l.* in purchases. I shall name but one chaplain more, and that is one Arthur Gwyn, who, about 1634, was an under-groom to the Earl of Cork, in his stable : in the year after, Dr. Bramhall preferred him to be a clergyman ; and a parsonage and two vicarages were taken from my lord of Cork, and given to this Arthur Gwyn. I shall add no more patterns of his clergy.'

'As for the honour of the king, my lords, we say it is the honour of the king that he is the father of his people ; that he is the fountain of justice ; and it cannot stand with his honour and justice to have his government stained and polluted with tyranny and oppression.'

'For the increase of the revenue : it is true there may be some addition of sums ; but we say there is no addition of strength nor wealth, because in those parts where it hath been increased this earl hath taken the greatest share himself : and when he hath spoiled and ravined on the people, he hath been content to yield up some part to the king, that he might with more security enjoy the rest.' Pym then enters into a particular examination of the revenue, and refutes Strafford's statement, showing by the records that, since the year 1622 (nine years before his appointment), Ireland had supported itself : that he got the most extraordinary subsidies from the parliament (by what means we have seen, and shall immediately see more) ; that he had been guilty of rapine and injustice, forcing men even to resign their estates ; and that his expenditure had been excessive, while he had himself, by a deceitful bargain to farm the customs, made from eighteen to twenty thousand a-year ; nay, that he had even taken 24,000*l.* from the exchequer, about two years since ; and though the royal army was in want, had only paid the money in lately : that, as to his pretence of

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having put down monopolies, he best proved the cause of his dislike to them by taking the most profitable to himself, as well as by his farming of the customs, with which certain monopolies put down by him interfered. That, as to the great increase of shipping and of trade—that arose out of the particular situation of that kingdom, which had been for the first time settled in peace a little before his appointment, and consequently was in a condition to make a most rapid advance, not from the nature of his government, which had, by the number of monopolies, &c., exercised in his own person, been destructive to trade.

‘He says,’ remarks Pym, ‘he was a means of calling a parliament not long after he came to his government. My lords, parliaments, without parliamentary liberties, are but a fair and plausible way into bondage. That parliament had not the liberties of a parliament: Sir Pierce Crosby, for speaking against a bill in the Commons’ house, was sequestered from the council-table, and committed to prison. Sir John Clotworthy, for the same cause, was threatened that he should lose a lease he had. Mr. Barnwell, and two other gentlemen, were threatened they should have troops of horse put upon them for speaking in the house. Proxies by dozens were given by some of his favourites. Parliaments coming in by these ways are grievances, mischiefs, and miseries; no works of thanks or honour.’—His desperate dispatch to Laud, as Prynne calls it, relative to his mode of balancing the parties of Protestants and Papists in parliament, and governing the whole assembly, had, unfortunately, not yet been obtained by the Commons.

‘He saith he had no commission but what his predecessors had; and that he hath executed that commission with all moderation. For the commission, it was no virtue of his if it were a good commission: I shall say nothing of that.’ ‘But, for the second part, his moderation; when you find so many imprisoned of the

nobility ; so many men, some adjudged to death, some executed without law ; when you find so many public rapines on the state, soldiers sent to make good his decrees ; so many whippings in defence of monopolies ; so many gentlemen that were jurors, because they would not apply themselves to give verdicts on his side, to be fined in the Star Chamber ; men of quality to be disgraced, set on the pillory, and wearing papers and such things as will appear through our evidence, can you think there was any moderation ? And yet truly, my lords, I can believe that if you compare his courses with other parts of the world ungoverned, he will be found beyond all in tyranny and harshness ; but, if you compare them with his mind and disposition, perhaps there was moderation. Habits, they say, are more perfect than acts, because they are nearest the principles of action. The habit of cruelty in himself, no doubt, is more perfect than any act of cruelty he hath committed ; but, if this be moderation, I think all men will pray to be delivered from it ; and I may truly say that is verified in him, *the mercies of the wicked are cruel.* *

The greatest atrocities charged against him during his government of Ireland were distinctly proved, and though he did adduce evidence to show that arbitrary acts had likewise been committed by his predecessors, (how far that ought to have been deemed an apology, we shall not stop to inquire,) it was fully established that he had far exceeded them all. Take the case of martial law : it was distinctly proved that it had never been resorted to except on manifest rebels, the kerns chiefly, and that Lord Falkland's instructions allowed it only in the cases of war and rebellion. Now, the case of Lord Mountnorris affords the most complete evidence, to use the words of Clarendon, of a temper excessively imperious. Mountnorris alleges, and his allegation derives great support from Strafford's

* Rush. vol. viii. p. 104 *et seq.*

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letters, that the prisoner first took offence at a supposed want of respect to his brother, Sir George Wentworth, and then insisted upon Mountnorris making a dishonourable sale of his offices :— that he refused to sell at the deputy's command ; and that the latter thence lay on the watch for his destruction. However this may be, the pretext for a sentence of death against Mountnorris by a court-martial was perhaps the most extraordinary that ever occurred in any country where such a thing as law was known. A Mr. Annesley, a distant relation of Mountnorris, was in the service of the deputy, and had accidentally dropped a stool upon his gouty toes : Wentworth, enraged with pain, instantly struck him violently with his cane, and the incident happened to be a topic of discourse at the chancellor's table in the presence of Mountnorris, who, his pride being naturally wounded at such treatment of a kinsman, remarked that the gentleman had a brother who would not have borne such an insult.* This having been reported to the deputy by eaves-droppers, who aimed equally at gratifying him and obtaining the other's offices, (Sir A. Loftus, the brother of the principal witness, and husband of Strafford's fair friend, had been promised the chief of them,) Wentworth, who began to dread that in Mountnorris he might find an enemy fit to ruin him afterwards, eagerly embraced the opportunity which seemed to present itself for that lord's destruction. The remark was made in April, and Mountnorris never heard, or thought more of it till December following, when he received a message to attend at a council of war next morning. Thither he went, perfectly unsuspecting of the

* Nothing of this kind appears in Rush, and probably it was not brought out. It was enough for Mountnorris to depose that the words charged were never spoken by him ; but in this I have followed the account of Clarendon, who, though very incorrect in regard to the trial, seems to have told the fact here, for

his account is corroborated by Baillie (Clar. vol. i. p. 386 *et seq.* ; Baillie's *Journal*, p. 325 *et seq.*). By the way, Baillie's warm loyalty appears to have cooled at this juncture. 'The day of coronation, we were deaved (deafened) all day with the ringing of bells' (*Ibid.*).

cause, and inquired at his brother-councillors the meaning of this sudden summons to them all; but they pretended equal ignorance with himself. The deputy entered, and told the council that he had so unexpectedly summoned them for the trial of Mountnorris, who, though one of the council of the army, had spoken mutinously against him as the general; and he then produced a letter from the king commanding them to give reparation for the dangerous injury done to his deputy. The charge, which was materially different from what had really passed, was then read to this effect:—That it having been mentioned at the chancellor's table, that Annesley had let a stool drop on the deputy's toes, Mountnorris remarked, in a scornful and contemptuous manner, 'perhaps it was done in revenge of that public affront that my lord deputy did me formerly; but I have a brother who would not have taken such a revenge.' The accused having heard the charge, and the king's letter read, fell upon his knees, and requested time for consultation, with a copy of his charge, and to be allowed to retain counsel; but all was denied, and he was commanded instantly to confess or deny the words, for that they should be proved if he denied them. Mountnorris, as might be expected, was confounded, yet he pleaded for his right as a subject and a peer; offered to take his oath that he had never spoken the words charged, and proposed to call the lord chancellor, and even his son, Sir A. Loftus, who obtained his place, and about twenty others who were present, to testify his innocence; but these requests, however reasonable, were all insolently rejected; while Lord Moore, who sat as one of the judges, and Sir Robert Loftus were desired to swear to the contents of a paper produced by the deputy, which appears to have been written out with his own hand, but which they had subscribed. Upon this testimony, the obsequious council found the accused guilty upon two articles of discipline, one importing banishment from the army, the other death. They long endeavoured to satisfy

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Wentworth with a verdict on the first ; but he vehemently urged both or neither ; and they, *having previously stipulated for Mountnorris's life*, gratified his revengeful enemy.* The accused then received sentence of death, when the deputy told him that he should intercede with his majesty for his life, and that himself would rather lose his arm than Mountnorris a hair of his head or drop of his blood ; a speech which, instead of soothing the convict, appeared to add fresh insult to injury, by putting the deputy's arm in comparison with his head. Mountnorris was instantly committed to prison, as well as deprived of his offices, which were bestowed upon this Loftus as a return for his wife's affection for Wentworth. Nor did the deputy intend that his sufferings should terminate even here. To soften his oppressor, Lady Mountnorris, who was a kinswoman of the deputy's by his second wife, Lady Arabella Hollis, addressed him in a most pathetic letter ; but she did it in vain.† Wentworth was inexorable, because his guilty conscience whispered to him that at no distant time the victim of his oppression might have it in his power to call for justice, and he eagerly grasped at the present opportunity of crushing him beneath the power of proving dangerous. Foiled in her interposition here, the lady escaped with difficulty to England to lay her complaint at the foot of the throne ; and she was so far successful as to obtain a letter from the king for her husband's liberty, upon condition of his submitting to the deputy.

* In a letter to Secretary Coke, dated about three weeks after the sentence, Strafford (then Lord Wentworth) says that, as he had signed the sentence along with the members of the council of war, so he joined them in letters, 'where we all became petitioners to his majesty for his life, which was, God knows, so little looked after by me ; but howbeit I hold under favour the sentence most just, yet, were it left to me in

choice, whether he must lose his head, or I my head, this should redeem that' (*Lett. and Disp.* vol. i. p. 504 *et seq.*). The letter is dated 3rd Jan. 1635 ; the sentence (*Id.* p. 499 *et seq.*) the 12th of December preceding. His defence then was, that while the sentence was just, he was merely passive. See above Letter, and others in the same collection.

† Scott's *Somers' State Tracts*, vol. iv. p. 202.

A step so spirited, as it evinced a disposition not tamely to brook oppression, inflamed Wentworth with additional rage by inspiring him with new fear, and he resolved so to avail himself of the terms expressed in the royal letter, as to exact an acknowledgment of the justice of the sentence, which he foolishly imagined would, in a great measure at least, secure him from the probability of after question, by bereaving his victim of his ground of complaint. On terms so humiliating, Mountnorris long refused to purchase his liberty ; but, wearied at last with oppression, he submitted. Wentworth was, however, still unsatisfied, and therefore not only harassed him with fresh prosecutions in the Star Chamber, but, by iniquitous decrees of the council-board, deprived him of his property, reducing him, his wife, and seven children to beggary.

Well might such proceedings procure for Wentworth, as we learn from his letters they did, a comparison with a bashaw of Buda ; and his defence did not extenuate his guilt. He argued, that in the case of Mountnorris before the council of war, he merely discharged the duty of his place in preferring a complaint ; that he did not vote against the accused ; that even after sentence was passed, he assured the prisoner of his being no way exposed to the hazard of his life ; and that he had interceded with his majesty for his pardon. Such was the defence set up by Strafford, in a case where he had been the sole author of the atrocity,—where the council had been moved at his sovereign will,—when, guilty tool as it was, it had put a modifying restraint upon his remorseless thirst for vengeance, by stipulating for the prisoner's life as a condition of the sentence,—when again he had, both in the assurance he gave at the time, and in the subsequent pretended intercession to the throne, only acted up to the condition,—nay, in the latter instance, joined the council daily ; and when thus foiled in his object for the utter destruction of his enemy by a direct course, he had resorted to the basest

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indirect means to bring absolute ruin upon that victim of lawless oppression, his wife, and children.*

* Rush. vol. viii. Arts. v. and vi. Clarendon tells us that 'the standers-by made an excuse for Strafford; that Mountnorris was a man of great industry, activity, and experience in the affairs of Ireland, having raised himself from a very private, mean condition, (having been an inferior servant to Lord Chichester,) to the degree of a viscount and a privy counsellor, and to a very ample revenue in lands and offices;' that 'he had always, by servile flattery and sordid application, wrought himself into trust and nearness with all deputies at their first entering upon their charge, informing them of the defects and oversights of their predecessors; and after the determination of their commands, and return into England, informing the state here, and those enemies they usually contracted in that time, of *whatsoever they had done or suffered to be done amiss*; whereby they either suffered disgrace or damage, as soon as they were recalled from those honours, which usually lasted not above six years. So that this dilemma seemed unquestionable, that either the deputy of Ireland must destroy my Lord Mountnorris, or my Lord Mountnorris must destroy the deputy as soon as his commission was determined. This character imputed to Mountnorris, is certainly not an amiable one; but it ought to be remembered how readily every grand witness against Strafford was calumniated: taking it, however, as true, it merely amounts to this, that though, for his own interest, he overlooked criminality in the successive deputies during their administration, he afterwards turned informer. It is not alleged that he accused any of them unjustly; and though the part he is said to have acted might fairly have induced Wentworth not to place confidence in him, or show him marks of respect, it could not on any just principle operate farther; while

it must be evident that, unless he had known that he could not justify his government, he could not have had a motive for destroying Mountnorris in self-preservation (Clar. vol. i. p. 389 *et seq.*). Just before this, the noble historian says, 'the injustice whereof' (the proceedings against Mountnorris) 'seemed the more formidable, for that the Lord Mountnorris was known for sometime before, to stand in great jealousy and disfavour with the earl, which made it be looked upon as a pure act of revenge; and gave all men warning how they trusted themselves in the territories where he commanded' (p. 388). 'In vain,' says Mr. Hume, without quoting any authority whatever, 'did Strafford's friends add as a further apology, that Mountnorris was a man of an *infamous character*, who paid court by the lowest adulation to all deputies while present, and blackened their character *by the vilest calumnies* when recalled; and that Strafford, expecting like treatment, *had used this expedient for no other purpose than to subdue the petulant spirit of the man.*' Though this writer does not quote an authority, it is perfectly clear to me that he had no other than the above from Clarendon; and the reader will be able to judge how far he has done it justice. Indeed, one would almost imagine from his language, that Strafford's friends had spoken to this effect at the trial. Clarendon does not say that Mountnorris was charged with inventing calumnies, but with giving information of the truth. He does not pretend that the sentence was passed to subdue the petulant spirit of the man, but builds the apology upon the necessary ruin of that individual to Strafford's own safety. No public transgression could be proved against Mountnorris; and that nothing short of his absolute ruin could pacify his enemy, the

Former deputies appear to have arrogated powers inconsistent with law, but Strafford far exceeded them all ;

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whole proceedings show (see *Straff. Let. and Disp.* vol. i. pp. 497 *et seq.*, 508-511, 514-519; vol. ii. p. 5, 15, 21, 27). Wentworth, who was allied to Lady Mountnorris through his second wife, seems at one time to have courted Mountnorris. See a very confidential letter by him to that lord, in Aug. 1632 (vol. i. p. 73), which is the best answer to Mr Hume's statement (see also p. 76, 78, 99, 115). The correspondence of Strafford's with Mountnorris's account makes the matter quite clear. Mountnorris who held the office of vice-treasurer, which in effect was that of treasurer in Ireland (Warwicke, p. 116.), had not shown himself quite so pliant as the deputy had anticipated (see *Let. and Disp.* vol. i. p. 119). And after his quarrel with Sir George Wentworth, the deputy wished his removal from his offices, particularly that of vice-treasurer. He proposed, therefore, that Mountnorris should make a dishonourable sale of his office, and the proposal had been attended with altercation. But Mountnorris, not content with refusing to comply with the demand, wrote out an account of what had occurred on the occasion; (it appears by a letter afterwards referred to, that he wrote admirably;) and transmitted it to his attorney in England, who had handed it about. It fell into the hands of the Reverend Mr. Garrard, the deputy's great correspondent, who not only showed it to Lord Cottington, but instantly announced the circumstance to his patron (*Id.* p. 388). Garrard's letter is dated the 12th of March, 1634-5; and it is singular that, on the 7th of next month, the deputy has a violent attack upon Mountnorris, in a letter to Secretary Coke, as a person 'held by us all that hear him, to be most impertinent and troublesome in the debate of all business.' 'And,' says he, 'indeed so weary are we of him,

that, I dare say, there is not one of us willing to join with him in any private counsel. Sure I am, my lord chief baron complains of him extremely in the *Exchequer*, that he disorders the proceedings of the whole court through his wilfulness and ignorance, so as he were a happy man if he were delivered of his vexation there.' This certainly disproves the idea of his sycophancy. He then censures his scandalous way of life, as a dishonour to the place—for that he was 'extremely given to good fellowship, and was full of talk in that humour,'—a statement which does not accord with Clarendon's character of him; and that 'he sat up by night to play for large sums, very meanly pursuing his advantage upon young noblemen and gentlemen, not so good gamesters as himself,' &c. He also makes a charge against him for not paying £200 upon a warrant, and alleges that he had agreed to resign his place in October preceding, &c. He then recommends Loftus, and desires power to inquire into some of Mountnorris's actions (*Id.* p. 408-4). The proceeding in the Council of War occurred in December following (p. 498 *et seq.*).

In each of the letters referred to above, that were written by Strafford, he vindicates the justice of the sentence, which, however, appears by the letters to have been universally execrated; and meanly pleads that he did not vote at the council, therefore that the sentence was not his. It appears also, from these and other letters, that Wentworth was perfectly sensible of the general hatred, as resembling a bashaw of Buda; but he consoles himself with the idea that it had been his fortune all his life to have proud, revengeful qualities, &c. falsely ascribed to him. Wandesforde writes to him, Dec. 29, 1628, thus, 'the breath of envy hath always blown strong against you,

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nor does the matter rest merely on the evidence of witnesses, which yet is complete, since his own dispatches fully establish it. Scarcely was he warm in his place, when he applied, in the following terms, for illegal, unlimited, powers: 'I find that my Lord Falkland was restrained by proclamation, not to meddle in any cause betwixt party and party, which certainly did lessen his power extremely. I know very well the common lawyers will be passionately against it, who are wont to put such a prejudice upon all other professions, as if none were to be trusted as capable of administering justice but themselves; yet how well this suits with monarchy when they monopolise all to be governed by their year books, you in England have a costly experience; and I am sure his majesty's power is not weaker in this kingdom, wherever hitherto the deputy and council-board have had a stroke with them.*' It was not thought fit to recal the proclamation on this subject by a new one, conferring the powers requested; but a special dispensation was granted to Wentworth, with the single exception of cases already depending before courts of law; and how he abused his power, is established no less by his letters than by the evidence adduced against him; for he encourages Laud 'to rule the common lawyers in England, as he, poor beagle, did in Ireland, declaring that he would continue to do so at the peril of his head.' In his defence he, of course, attempts to justify his illegal decrees on the principle of abstract justice, and pleads that, as he was no professional lawyer, his ignorance ought to form his excuse. The last

and like the bees over the cradle of Plato, hung over your actions ever since I was acquainted with them' (vol. i. p. 50). See a very pathetic letter from Mountnorris to Strafford, just before his execution, which throws great light upon this subject, and of itself goes far to disprove the account given of the former by Clarendon (*State Papers*, vol. ii. p. 135). Wentworth himself writes to Lord Conway, that he told Mountnorris 'he never wished ill to his

estate nor person, further than to remove him thence, where,' says he, 'he was a trouble as well as an offence unto me; that being done, (howbeit through his own fault with more prejudice than I intended), I could wish there was no more debate betwixt us, &c.' (*Straff. Let. and Disp.* vol. ii. p. 145).

* This has been quoted from his *Letters and Dispatches* in the preceding volume.

plea proceeded with a peculiarly bad grace from the individual who had boasted of ruling the common lawyers in all things, and proclaimed it as a merit that he was resolved to persist in such a course at the peril of his head. The first was no less unfounded, for, as was justly observed by Pym, the Commons charged him with nothing 'but what the law in every man's breast condemns, the light of nature, the light of common reason, the rules of common society.' Nor were the instances of injustice and illegality confined to those charged. Sergeant Glyn remarked that, were the matter yet to frame, they would give as many new cases as those of which he was accused. Strafford stormed at this, and dared him to the proof. But when the other, having accepted the challenge, enumerated twenty fresh cases, in the issue of which he had largely participated, the prisoner stopped him by a complaint against travelling out of the charge.

The legislative powers assumed by him in Ireland, together with his grossly tyrannical and selfish abuse of them, were strikingly displayed in his measures relative to wool and flax. Having a monopoly of the customs, he imposed new duties upon the exportation of the first, and prohibited the manufacture of it in the island: though the last was the chief production of that kingdom, and linen-yarn for exportation the staple, he interdicted the sale of it unless it were reeled in a certain mode, a mode the poor people were unacquainted with, while of all not prepared for the market according to his directions, he ordered a general seizure, to effect which power was given to break into houses. What aggravated this policy was, that the yarn seized, instead of being, as forfeited to the public, brought into the exchequer, went to his own looms; while he had a direct interest in excluding a competition with his own flax, which he raised in great quantities on his own newly-purchased lands. In the execution of his orders on this subject great enormities were committed; and thousands, debarred the only means of liveli-

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hood, for the May rents were paid by the price of the flax and yarn, were absolutely famished. His defence was, that he prohibited the manufacturing of wool lest it should interfere with that of England; that the motive in regard to the orders about yarn was to break the people of their barbarous mode of preparing it—a measure which might be legally adopted in the same manner as yoking oxen by the tail, and burning the straw to separate the corn from it, had been interdicted; that the council concurred in the proclamations, and therefore the blame should not be imputed to him; and that, at all events, this was not treason. With regard to the council, it was completely under his control, while, at all events, as the prime leader, he must be responsible for unconstitutional measures, and it appears by his own letters that he had earnestly pressed his majesty for liberty to pursue that system.* As for his defence that this was not treason, it was well-urged by Maynard, that, if to overturn all the fundamental principles of the constitution be traitorous, this unquestionably was so, as it included not only the suspension of the public rights, but a power to issue what new orders he pleased in the place of law. It is singular that in his letters to the king on this very subject, he advised his majesty to make a monopoly of salt in his own person; for that, as it was a commodity altogether indispensable, he might, in imitation of the *gabelles* of France, raise the price at pleasure.†

It was distinctly proved that he had been in the practice of quartering soldiers upon all who refused to comply with any order of the council for the payment of money, however unlawful the demand. One instance shall suffice. One Barns was charged on a paper petition to appear before the deputy about a debt which, though nominally rated at 100*l.*, he might have compounded for 5*l.*, but

* See his *Let. and Disp.* vol. i. p. 98.

† Trial in Rush. and Baillie's

Journal; Straff. Let. and Disp. vol. i. pp. 93, 108, 193.

which, as altogether unjust, he refused to settle even on such terms ; and Strafford, under the colour of a contempt, quartered a party of troopers upon him who consumed property to the value of 500*l.*, burned the very partitions of his house, nay the door, for fuel, and ‘ sold his trunk, his bedsteads, his dining-table, and all they could light on in his house,’ so that, being reduced to utter beggary, he was obliged to flee the country, leaving his wife and children, and serve as a soldier in Flanders.*

These particulars, however, though highly important, have perhaps been pursued too far, and therefore we shall proceed to the grand point about telling the king that he was absolved from all rules of government, and had an army in Ireland by which he might reduce the kingdom ; but, in passing, we may remark that the articles about prohibiting people of family, &c. from going to England, and imposing an arbitrary oath on the Scots were fully proved.

To ascertain the point with regard to his illegal advice, it was necessary to examine the councillors, and Charles was reluctantly obliged to yield to a demand of the Commons, to relieve the council from their oath of secrecy—a measure bitterly inveighed against by the noble apologist of the king, and, what is more extraordinary, by Mr. Hume, as restraining the freedom of the board, and rendering ministers liable for every rash or inconsiderate expression. But surely if, and there can be no doubt of it, every councillor is bound by his oath to give constitutional advice, and that only to the king, the oath of secrecy never can or ought to extend to counsel, which has for its object the overthrow of all the fundamental laws ; and it is an inquisition which no good man need fear, for none will ever attempt to persuade the sovereign to absolve himself from all those rules upon which he is entitled to govern ; while, if such a measure could not be adopted,

* Trial in Rush. and Baillie.

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it is perfectly evident that the greatest of all wickedness would be safe even from question. The grand point to be determined here was, whether Strafford had not advised his majesty to act as if absolved from all rules of government; and had such a point not been open to investigation, there would have been at once an end of all legitimate government.*

Nothing could be more distinct than the charges against Strafford; each particular was stated with a precision which could not have been expected any more than it is practised in indictments in general; but some of the different articles naturally cohered, or reflected light upon each other; and, in regard to the advice about the king's acting as absolved from all rules of government, there were five articles taken together—the twentieth, twenty-first, second, third, and fourth: that he had advised an offensive war with Scotland, alleging that the demands of the Scottish parliament justified it, before the commissioners of that parliament had been heard in vindication of their proceedings: that he had declared his readiness to supply his majesty by extraordinary ways, unless the English parliament should grant twelve subsidies; and had, for wicked ends, in confederacy with Sir George Ratcliffe, raised an army of 1000 horse and 8000 foot in Ireland: that he had declared openly to several individuals that the king ought first to try the affections of his people in parliament; but, if that failed, then he might use his prerogative in levying what he required; and that, when parliament disappointed his hope of twelve subsidies, he advised the dissolution, declaring that his majesty was free from all rules of government; adding, that he had an army in Ireland with which he might reduce the kingdom to obedience. The first point in regard to Scotland was

* *Journals of Lords* relative to this examination. No man could urge more strenuously than did Strafford himself the examination of councillors as to what passed at the

council-board, unless it imported a revealing of what might be communicated by the king (*Lt. and Disp.* vol. ii. p. 286).

proved by the Earls of Traquair and Morton, and even by Juxton, bishop of London and lord treasurer, as well as by Sir Henry Vane. Traquair particularly swore too, that afterwards, at the council of peers, at York, the prisoner, in regard to Scottish affairs, declared that *the unreasonable demands of subjects in a parliament were a ground for the king's putting himself in a posture of war*. The Archbishop of Armagh (the celebrated Dr. Usher) deposed, that, about April last, he had a conversation with Strafford, at Dublin, relative to levies of money, when the other declared that he agreed with those in England, who conceived that, in case of imminent necessity, the king might levy what he needed, though, in his opinion, his majesty should first try a parliament; but, if that supplied him not, 'then he might make use of his prerogative as he pleased himself, or words to that effect.*' Lord Conway deposed that, having previous to the meeting of the short parliament, asked the prisoner how the troops were to be paid; he answered, that he confidently expected twelve subsidies from the parliament; but, upon Conway's saying, 'What if the parliament would not give that assistance, my Lord of Strafford said the cause was very just and lawful, and if the parliament would not supply the king, then he was justified before God and man if he sought means to help himself, though it were against their wills.' Sir Henry Vane deposed, that, at the council on the 5th of December, 1639, Strafford said, that if the parliament should not grant supplies, he would be ready to assist his majesty any other way. The Earl of Bristol deposed, that, in a casual conversation with the prisoner, after the dissolution of the short parliament, he himself stated that he attributed the great distractions of the times, particularly the riot at Lambeth, and mutiny of some sol-

* Strafford most particularly applied for leave to adduce Usher as a witness in his favour (*Journals of Lords*, 20th March, *et postea*). They

appear to have been great friends. Usher seems to have approved of Strafford's unconstitutional measures (*Roden Papers*, pp. 78, 79).

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diers against their officers, to the breach with that assembly, and expressed it as his conviction, that the safe plan in such distresses was to summon another parliament directly, alleging, that he feared the issue of hostilities with Scotland, unless the king were assisted both with the purse and the affections of his people : for that he conceived it very unlikely that the nation, labouring under such grievances, would willingly and cheerfully enter into a war against the sister kingdom, which laboured ‘ under the same grievances with themselves ; ’ that, in answer to this, Strafford observed, that the times did not admit of so slow and uncertain a remedy as a parliament : that he had already been denied from that quarter ; and, using the maxim, *Salus reipublicæ suprema lex*, said ‘ the king must provide for the safety of the kingdom by such ways as he should think fit in his wisdom : that he must not suffer himself to be mastered by the frowardness and undutifulness of his people, or rather, as he conceived, by the disaffection and stubbornness of particular men.’ Lord Newburgh swore, that, to the best of his belief, he heard the prisoner say that, seeing the parliament had not supplied the king, his majesty might take other courses, or something to that purpose : the Earl of Holland swore that he heard him tell the king, after the dissolution, that the parliament, in denying a supply, had given him an advantage to supply himself by other ways. The Earl of Northumberland deposed that he heard Strafford tell his majesty, before the meeting of the short parliament, that if the people refused to supply him, he was absolved from rules of government, and acquitted before God and man. Sir Henry Vane deposed that he heard the prisoner say this to the king after the dissolution, ‘ Your majesty, having tried all ways, and been refused, in this case of extreme necessity and for the safety of your kingdom and people, you are loose and absolved from all rules of government ; you are acquitted before God and man ; you have an army in Ireland ; you may employ it to reduce this kingdom.’

The Commons also adduced several witnesses, as Lord Ranelagh, Sir Robert King, Sir Thomas Barrington, to prove that his creatures, Sir George Ratcliffe and Sir George Wentworth, had used strong expressions relative to the Irish army being used to second his majesty's illegal courses, in the event of resistance. On the other hand, Strafford alleged that the speeches of Ratcliffe, or of his brother, were nothing to him, and that he knew his duty too well as a privy-councillor to divulge to them his master's secrets: that it was strange that no one heard the words relative to the Irish army but Sir Henry Vane: that he might easily mistake *this* for *that* country; and that, as the army had been raised to reduce Scotland, and the Scottish Business was then agitated, the remark had necessarily reference to it: that, accordingly, the Earl of Northumberland, and others, deposed, that they understood the army was intended for Scotland; and that, as there was no war in England which called for it there, it necessarily followed that it never could be meant to introduce it into this kingdom: that he had perhaps said that his majesty might use his prerogative in raising money, but he always spoke in reference to legal ways—never supposing it possible for his master to resort to any other: he then adduced the Bishop of London, lord treasurer, who swore positively that he never heard anything about an intention to bring the Irish army into England; but being interrogated whether he ever heard Lord Strafford say that the king was loose and absolved from all rules of government, 'He answered that he desired time to consider of that; he remembers not any such thing, *but he reserves himself for that.*' He also deposed that he did not remember of having heard the prisoner tell the king that the parliament had deserted him. Cottington swore that he never heard Strafford talk of extraordinary ways, but that he had heard him say the king ought to seek out all due and legal ways, and to employ his power *candidè et castè*; observing that, after the present necessity was past,

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and the work done, the king ought to repair it, and not leave any precedent to the prejudice of his people, for that 'his majesty never could be happy till there were a union betwixt himself and the parliament, and the prerogative and liberty of the subjects were determined.' The Marquis of Hamilton swore much to the same purpose: Lord Goring and Mr. German merely deposed to the use of the words *candidè et castè*: but, what is most extraordinary of all, Northumberland himself, who swore that he heard the prisoner say, before the meeting of the short parliament, 'if the people do refuse to supply the king, the king is absolved from rules of government'—deposed to other interrogatories, that, though he said that his majesty might use his power when the kingdom was in danger or unavoidable necessity, he did after say that that power was to be used *candidè et castè*, and an account thereof should be given to the next parliament, that they might see it was only employed to that use.' If such words were used by Strafford, and this deposition is to be admitted as a whole, the conclusion is that he had merely employed them to guard against any after impeachment, which, as appears by his letters, he always conceived a possible case; for what is the meaning of parliamentary power, if it may be dispensed with at the will of the prince upon his conception of necessity; or why talk of submitting what had been done in defiance of one parliament, to the cognisance of another? If the king may levy money at pleasure, upon any plea of necessity which the grand council has in the first place denied—a necessity of which he is sole judge, in defiance of the legislature—it is an extravagance to talk of parliamentary power. The evidence of Cottington, in the first place, proved too much, as Strafford had admitted that he had spoken of extraordinary ways, which yet the other could not remember. In the second place, it was contradictory; for unless he had been adverting to extraordinary or unconstitutional ways, how could he talk of repairing,

after the work was accomplished, what had been done through necessity? A breach must be made before it can be repaired.

In considering a case of this nature, we are, in judging of the propriety of the verdict, always bound to take the evidence as it stands, without regard to those facts which may be disclosed to the historian by time. But authors have endeavoured to the utmost to vilify, not only this grand assembly for its judgment, but the characters of Sir Henry Vane, sen., and of his son and Mr. Pym, (the reason of the last will afterwards appear,) as if the first had perjured himself, and the two latter had assisted him in swearing away the life of that great individual. It will, therefore, not be improper to disclose some facts which, though they could not be discovered then, are established upon the most indisputable evidence now. On the 10th of December, 1640, Northumberland writes, *in cypher*, to the Earl of Leicester, that ‘he doubts the king is not very well satisfied with him—*because he will not perjure himself for Lord Lieutenant Strafford.*’* Laud has an entry in his Diary, of the 5th December, 1639, that, when a parliament had been determined on, of which the first movers were Strafford, Marquis Hamilton, and himself, ‘a resolution was voted at the board to assist the king in extraordinary ways, if the parliament should prove peevish and refuse.’ Secretary Windebanke writes to Sir Arthur Hopeton, who was at that time at Madrid, that it having been concluded by the select committee for Scottish affairs, that nothing except force of arms could quench the fire in Scotland, a fire which threatened monarchical government, not only there but even in England, the question then was how money could be raised: That a parliament was thought at first impracticable, as it was unlikely that it would be inclined to supply his majesty’s wants in time, or in

* *Sidney Papers*, vol. ii. p. 665.

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proportion to the exigency ; and that many extraordinary ways were debated, but that at last ‘the lords being desirous that the king and his people should meet, if it were possible, in the ancient and ordinary way of parliament, rather than any other, were of opinion his majesty should make trial of that once more, that so he might leave his people without excuse, and have wherewithal to justify himself to God and the world, that in his own inclination he desired the old way ; but that if his people should not cheerfully, according to their duties, meet him in that, especially in this exigent, when his kingdoms and person are in apparent danger, the world might see he is forced, contrary to his own inclination, to use extraordinary means, rather than by the peevishness of *some factious spirits* to suffer his state and government to be lost. These considerations, ripening this great business for a resolution, it was thought fit to bring it to the general council, and to give the board account of what had passed in the committee. Which being done, and the Earl of Traquair, his majesty’s commissioner in Scotland, newly come from thence, having likewise, by his majesty’s commandment, made particular and exact relation to the lords, of the late assembly and parliament in Scotland, and of their high and insolent demands, together with his opinion of their purpose to persist in them, and that there was no probability of reducing them but by force, his majesty demanded the opinion of the lords by vote what was to be done ; whereupon the lords unanimously voted, that rather than his majesty should yield to such demands, and suffer this high rebellion to continue, he must of necessity vindicate himself and his honour, and secure his crown by force of arms ; and that to maintain this force, the best way was the ordinary by parliament, which they doubted not would be sensible of the honour of his majesty and the nation, and of their own safeties, and enable him to settle his affairs. But before his majesty

would declare his resolution for this way, he was pleased to put another question to the board, whether, if the parliament should prove as untoward as some have lately been, the lords would not then assist him in such extraordinary ways in this extremity as should be thought fit. Which being put to votes, the lords did all unanimously and cheerfully promise, that in such case they would assist him with their lives and fortunes, in such extraordinary ways as should be advised and found best for the preservation of this state and government. Whereupon his majesty declared his resolution for a parliament.* Now it is remarkable that Northumberland writes to the same purpose to his friend Leicester, saying that two ways only of raising money were thought of, 'by the ordinarie way of parlament, or by extraordinarie wayes of *power*;' that 'laying excises, enioineing each countie to maintaine a certaine number of men, whilst the warre lasted, and such like wayes were by some farre pressed; but mett with so many weightie obiections, that those lords that were all this while most auerse to parlaments, did now begin to advise the king's makeing triall of his people before he used any way of power. This being advised by their lordships, (who, to say truth, found themselues so pusseld that they knew not where to begin,) the king was soon gained, and resolved the next councell day to propose it to the rest of the lords.'† Windebanke, immediately after the dissolution, wrote to Sir A. Hope-ton, that 'it was a very great disaster, but there was no other way, and his majesty had wherewithal to justify himself to God and the world.'‡ When, along with this, it is considered that Strafford's letters all breathe a spirit of uncontrolled power; that, in considerations drawn out by him expressly for the king himself, while he so rejoiced at the extrajudicial opinion of the judges in the case of ship-money, he declares that though 'it

* Clar. *State Papers*, vol. ii. pp. 81,
82.

† *Sidney Papers*, vol. ii. p. 623.

‡ Clar. *Papers*, vol. ii. p. 84.

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was the greatest service the legal profession had done the crown in his time, yet unless his majesty had the like power declared to raise a land army upon the same exigent of state,' (a necessity of which the king was sole judge, and therefore was not bound to render any account,) 'the crown seemed to him to stand but upon one leg at home, to be considerable, but by halves, to foreign princes abroad;' but if that point were gained, which the opinion regarding ship-money evinced to belong to the king, then the royalty was for ever vindicated from under the conditions and restraints of subjects: That in a letter to Mr. Justice Hutton, after that judge had voted in the minority in Hampden's case, he says that 'the power of levies of forces by sea and land is such a property of sovereignty, as, were the crown willing, yet it could not divest itself thereof:.* That

* We have already given many extracts from Strafford's *Letters and Dispatches*, but his language to Mr. Justice Hutton will be found to throw such light upon the evidence at the trial, that we cannot refrain from quoting it. 'I must confess,' says he, 'in a business of so mighty importance, I shall the less regard the forms of pleading, and to conceive (as it seems my Lord Finch pressed), that the power of levies of forces at sea and land for the very, not *feigned*, relief of the public, is such a property of sovereignty, as, were the crown willing, yet can it not divest itself thereof: *salus populi suprema lex*; nay, in cases of extremity, even above acts of parliament.' (Now there is something feasible in this: a *real*, not *feigned* necessity is certainly paramount to all law; but the succeeding sentences show his ideas of necessity.) 'And I am satisfied that monies raised for setting forth a fleet was chastely bestowed that way, not at all vitiated by any application otherwise; nay, satisfied that it was necessary that it should be so, and that our fleet at sea were in these times

of mighty honour to the king, most fit to preserve the rights of private subjects, the peace and safety of the commonwealth. And considering it is agreed by common consent, that in time of public danger and necessity such a levy may be made, and that the king is therein sole judge, how or in what manner or proportion it is to be gathered, I conceive it was out of humour opposed by Hampden beyond the duty of a subject, and that reverence wherein we ought to have so gracious a sovereign, it being ever understood the prospects of kings into mysteries of state are so far exceeding those of ordinary common persons, as they be able to discern and prevent dangers to the public afar off, which others shall not so much as dream of till they feel the unavoidable stripes and smarts of them upon their naked shoulders; besides the mischief which threatens states and people are not always those which becomes the object of every vulgar eye, but those commonly of most danger, when least discovered; nay, very often, if unseasonably, over early published, albeit privately known to the king

Strafford's own government of Ireland, which he held out to Laud as a model for England, was contrary to all constitutional principles, and supported by absolute force: That he had become the arch-adviser of his master; and that the war which he advised with Scotland had its foundation merely in that people's resistance of arbitrary power; we shall not be disposed to view the evidence of Vane in a suspicious light. Money was, after the dissolution, to be raised by power; and if, after such indications of disaffection, the king and his ministers did not contemplate such a spirit of resistance as, if not put down by military force, would blast all their hopes, they must have been blind to all consequences. Whoever advises arbitrary proceedings, must be presumed to

before, might rather inflame than remedy the evil; therefore it is a safe rule for us all in the fear of God to remit these supreme watches to that regal power, whose peculiar indeed it is; submit ourselves in these high considerations to his ordinance, as being no other than the ordinance of God itself, and rather attend upon his will, with confidence in his justice, belief in his wisdom, assurance in his parental affections to his subjects and kingdoms, than fret ourselves with the curious questions, with the vain flatteries of imaginary liberty, which, had we even our silly wishes and conceits, were we to frame a new commonwealth even to our own fancy, might yet in conclusion leave ourselves less free, less happy than now, thanks be to God and his majesty, we are; nay justly, ought to be reputed by every moderate minded Christian' (Straff. *Lett. and Disp.* vol. ii. pp. 388, 389). These sentiments require no comment, being such as could only fit such a region as Morocco. They would not have been received in France by that portion of the community that might be said to enjoy privileges — the nobility. Yet if this had been spoken, and deposed to, and the first part

brought out by cross-questions, how might it have been dwelt upon by historians? Assuredly Mr. Hume must not have perused these letters, otherwise he never could have made the remarks upon Strafford's character which he has indulged in. He mistakes, too, the time of Strafford's admission to office, making it after the dissolution of the third parliament, *when the necessities of state had begun*, instead of during the prorogation. Had he attended to dates, he would have found that the individual whom he eulogises went over at once to the court, and without the colour of an apology, espoused instantly the principles which he had just before so vehemently opposed. In regard to his letters, they are the more entitled to regard, that he never wrote one unadvisedly, nor dispatched it, without showing it to his friends Sir George Ratcliffe and Wandesforde, master of the Rolls in Ireland, whom he likewise consulted on everything of any moment concerning either political or domestic business. See Ratcliffe's *Essay*. This makes the remarks of Ratcliffe relative to the army of infinitely greater importance.

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include the means of effecting them; for, after their adoption, there seems to be no retreat compatible either with the safety of the minister, or the false honour of the prince. The way of power, or of force, is recommended, and it can only be so because the minister conceives that the monarch has the requisite strength. The guilt of Strafford, therefore, is not augmented by that part of his alleged advice which regarded the Irish army.

That the Irish army was primarily raised for the subjugation of Scotland is unquestionable, but it did not thence follow that, upon a similar exigency, it might not be conceived ready for a similar service in England. As for the probability of any mistake, by Vane, of this for that country, it seems to be unfounded, especially when we view his testimony in connection with a document which was afterwards brought to corroborate it, and of which the following history was given. The minutes of council had all (lest they should be produced against his servants) been destroyed by the command of the king; but Sir Harry Vane having, during his absence in the North, sent the key of his study to his son, Sir Harry Vane the younger, in order that some private documents might be transmitted to him, the latter found in the cabinet notes of a council held after the dissolution of the late parliament; and as these developed designs most pernicious to the state, he showed them to Pym, who visited him during a severe indisposition. Pym insisted upon being allowed to take a copy of them for the public good, and young Vane, overborne by his importunities, reluctantly consented. The cabinet was then locked, and the matter concealed from the father. Such is the history of a document which, now alleged to be valuable in consequence of the destruction of the original, was, when the elder Vane's testimony was of itself thought insufficient to convict the prisoner, produced by Pym, and supported both by his evidence and that of the younger Vane. Old Vane, who either

was, or affected to be, extremely offended at his son's conduct, said, upon his examination, that he had nothing to add to his former evidence, except that he had taken notes, and that the document was like them. The title of the notes was, 'No Danger of a War with Scotland; if offensive, not defensive;' and they were as follow:—

'*K. C.* "How can we undertake offensive war if we have no money?"

'*L. L. Tr.* (Strafford). "Borrow of the city 100,000*l.*; go on vigorously to levy ship-money. Your majesty having tried the affection of your people, you are absolved, and loose from all rule of government, and to do what power will admit. Your majesty having tried all ways, and being refused, you shall be acquitted before God and man. And you have an army in Ireland that you may employ to reduce this kingdom to obedience; for I am confident the Scots cannot hold out five months."

'*L. Arch.* (Laud). "You have tried all ways, and have always been denied; it is now lawful to take it *by force*."

'*L. Cot.* (Cottington). "Leagues abroad there may be made for the defence of the kingdom; the Lower House are weary of the king and the church. All ways shall be just to raise money, in this inevitable necessity, and are to be used, being lawful."

'*L. Arch.* "For an offensive, not any defensive war."

'*L. L. Tr.* "The town is full of lords; put the commission of array on foot, and if any of them stir, we will make them smart."

Either this was the grossest conspiracy between the two Vanes and Pym, or there can be no question about the import of Strafford's advice. The Irish army had been raised for Scotland, and there could be no occasion for reminding his majesty of its existence in regard to the commotions there; but when raising money by force in England, in such an hour of disaffection, was contemplated, it seemed necessary to consider of the means to second the present power. The words were spoken in relation to raising

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money, and seem incapable of another construction. Charles had himself early thought of introducing foreign troops to carry through his arbitrary designs ; and it was distinctly proved that the language of Sir George Ratcliffe and Sir George Wentworth corresponded with the design imputed to Strafford,* while the facts proved in the subsequent charges establish on what principles he was disposed to conduct the administration of England. The grand objection to Vane's testimony was brought by Lord Digby at passing the bill of attainder. He had been one of the small secret committee for preparing the impeachment of Strafford ; and he told the Lower House that, being now absolved from his oath of secrecy, he would state the grounds upon which he could not agree to the bill : 'That Vane had been examined thrice upon oath before the secret committee ; that, in the first examination, he positively said, in answer to interrogatories regarding the Irish army, "I cannot charge him with that ;" but for the rest desires time to recollect himself, which was granted him. Some days after he was examined a second time, and then deposes these words concerning the king's being absolved from rules of government and so forth very clearly. But being pressed to that part concerning the Irish army, he said he could say nothing to that.' He then states that it was some weeks afterwards when Vane recollected the words about the Irish army. Digby

* It was proved by the evidence of Sir Robert King and Lord Ranelagh that Sir George Ratcliffe had said, in answer to their queries about raising money, that his majesty had an army, and if he wanted money, who would pity him ; that his majesty was ready to supply himself ; and that he could make peace with the Scots when he liked. Sir Thomas Barrington, too, swore that Sir George Wentworth had, in a conversation about the late parliament, said that this commonwealth is sick of peace, and will not be well till it be conquered again. The evidence

on this point also established that the general apprehension, even of official men in Ireland, was of a design against England. Cottington appears, by the notes of council, to have been himself one of the most criminal ; and we learn from the correspondence of the Earl of Northumberland, that, during the preceding summer, he had become the entire confidant of Strafford, when the latter and Laud had disagreed (*Sidney Papers*, vol. ii. p. 657). Cottington's evidence, too, is strangely cautious (see *Rush*, vol. viii. p. 564).

argued, in regard to the notes, that they were not evidence, as there was no conclusion of counsels, which ought to be the only cause of taking notes, but merely the venomous parts of discourses, calculated to bring men into danger. In this objection, however, there appears to be no weight whatever. The title imported the conclusion, and that could be disputed by none. The cause of taking notes on such an occasion is not merely to register the conclusion which the minutes must ever put beyond the possibility of question, but to preserve an exact account of the opinions of individual councillors for one's own regulation. The previous want of recollection in Vane may be deemed a matter of more serious import. But, in the first place, this at least proves that he had no understanding with the prosecutors; and it is not wonderful that, considering what had passed in the interim, he should not all at once remember the speeches of the councillors, though they might be recollected afterwards.* In the second place, it is proper to mention that the Commons questioned Digby next day for his speech; and after its publication, voted it to be scandalous, and false to the witnesses, and that it would not be enough to show that he had some foundation for his statement, since all depends upon the way in which a thing is done. In the third place, that this individual, though sworn to secrecy as one of the preparatory committee, was believed to have conveyed to Strafford intelligence of all the evidence, in order to prepare him for it†—a circumstance which exceedingly lessens our idea of the prisoner's ability in defence. And, lastly, that Digby stole the copy of the notes of council, which, as one of the secret committee, he had an opportunity of doing, and that, when an oath was administered to all the members

* The objection to Vane's first alleged want of recollection applies with tenfold force to most of the other witnesses, whose memories confessedly continued incurable to the last.

† Baillie, vol. i. p. 340. 'Digby,' as it is thought, 'had given particular information to Strafford of all their depositions.'

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of the committee relative to the document, he was the readiest to swear solemnly that it had not been purloined by him, though he had already gained the royal favour by delivering it to Strafford, as appeared by a copy under his own hand, found in the royal cabinet, taken after the battle of Naseby.* The matter, too, did not rest upon the testimony of Vane. If he perjured himself, both Pym and Vane the younger were in the same predicament, and must be charged with conspiring with him to take away Strafford's life. The notes are supported by other evidence in all points excepting that of the army. The remaining part of the charge, which reflects so much light upon this, was almost entirely established by the best evidence.

The conclusion of Strafford's defence, after the additional proof was led, has been admired (though his previous summing up was thought tedious), and we should be doing injustice to our readers by withholding it. 'It is hard to be questioned upon a law which cannot be shown. Where hath this fire lain hid so many hundreds of years, without any smoke to discover it, till it thus burst forth to consume me and my children? That punishment should precede promulgation of a law,—to be punished by a law subsequent to the fact, is extreme hard. What man can be safe if this be admitted? My lords, it is hard in another respect—that there should be no token set by which we should know this offence, no admonition by which we should avoid it. If a man pass

* Whitelocke, p. 43. By the way, I am satisfied that there has been no little alteration upon Whitelocke's text by the editor in regard to Strafford. The general accuracy of Whitelocke everyone must admit, yet in a case where he acted as chairman of the secret committee, and managed great part of the evidence as counsel for the Commons, there occurs one absurd blunder. The remarks upon Vane's testimony before the committee are put into the mouth of Strafford, who, whatever he had secretly learned from Digby, could

not at least show that he knew anything of the matter. Vane's testimony at the trial was quite consistent. The high compliments, too, paid to Strafford—compliments which imply his innocence, are neither consistent with the usual style of Whitelocke, nor with the fact of his having voted that individual guilty. I am not the first who has suspected unfairness in the publication, and what I have shown in regard to the embassy proves how editors proceed.

the Thames in a boat, and split upon an anchor, and no buoy be floating to discover it, he who oweth the anchor shall make satisfaction ; but if a buoy be set there, every man passeth at his own peril. Now, where is the mark, where the token upon this crime, to declare it to be high treason ? My lords, be pleased to give that regard to the peerage of England as never to expose yourselves to such moot points—to such constructive interpretations of laws. If there must be a trial of wits, let the subject-matter be of somewhat else than the lives and honours of peers. It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the Christians did their books of curious arts, and betake yourselves to the plain letter of the law, that telleth us what is and what is not treason, without being more ambitious to be more learned in the art of killing than our forefathers. It is now full two hundred and forty years since any man was touched for this alleged crime, to this height, before myself : let us not awaken those sleeping lions to our destructions, by raking up a few musty records that have lain by the walls so many ages forgotten or neglected. May your lordships please not to add this to my other misfortunes. Let not a precedent be derived from me so disadvantageous as this will be in the consequence to the whole kingdom. Do not, through me, wound the interest of the commonwealth ; and, however these gentlemen say they speak for the commonwealth, yet, in this particular, I indeed speak for it, and show the inconveniences and mischiefs that will fall upon it ; for as it is said in the statute, 1 Hen. IV., no man will know what to do or say for fear of such penalties. Do not put, my lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not with cheerfulness and safety be employed for the public. If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lie waste ;

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no man will meddle with them who hath anything to lose.

‘My lords, I have troubled you longer than I should have done, were it not for the interest these dear pledges a saint in heaven left me.’ Here he paused, and shed a few tears. ‘What I forfeit for myself is nothing; but that my indiscretion should extend to my posterity, woundeth me to the very soul. You will pardon my infirmity; something I should have added, but am not able, therefore let it pass. And now, my lords, for myself, I have been, by the blessing of Almighty God, taught that the afflictions of this present life are not to be compared to the eternal weight of glory which shall be revealed hereafter. And so, my lords, even so, with all tranquillity of mind, I freely submit myself to your judgment; and whether that judgment be of life or death,

‘*Te Deum laudamus.*’*

The eloquence of this passage is above its logic. The reasoning proceeds upon the assumption that the charge of the Commons had been substantiated, and just amounts to this—that though all men know that it is criminal to infringe a particular law, yet a minister of state, who takes advantage of particular circumstances to overturn the whole established laws, cannot be justly questioned, because, there being no particular statute which exactly applies to such a case, he had no legal warning against the proceeding. A position so monstrous came with a remarkably bad grace from the individual who advanced it, because he had himself been one of the most zealous promoters of the petition of right, which was expressly passed to prevent such an invasion of the national privileges. His allegation, that he pleaded for the law, while he assumed the very principle in argument of having laboured to overturn all law, is strangely inconsistent.

* I have taken the above from fire (see Nalson, vol. ii.; Scott’s Whitelocke. Other copies have less *Somers’ Tracts*, vol. iv.; Rush. &c.).

But, in a regular trial, the objection that there was no established rule of law for his condemnation, seems to have been well-founded; and the Commons themselves, after a full pleading upon the point of law, which, on their part was undertaken by St. John, and on Strafford's by Lane, abandoned that mode of proceeding, and brought in a bill of attainder.

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tainer.

The bill of attainder has been generally condemned, even on abstract principles—that is, assuming the guilt of Strafford; but the argument which appears to be of the greatest weight has been used by a late celebrated statesman: That nothing but a case of clear self-defence can justify a departure from the sacred principles of justice; but that, whenever an individual can be brought to trial, he is within the power of his prosecutors, and that, therefore, when there has been no law distinctly provided against the species of offence of which he is accused, the present delinquent should be allowed to escape, and a legislative enactment be made to meet the crime in future.* It is not without hesitation that I differ from this author, fortified as his opinion is by that of writers in general; but it has ever appeared to me that there is a fallacy in the argument, in consequence of the distinction, between the legislature and ordinary courts of law, having been overlooked. Courts of law, as they act by delegated authority, must necessarily be governed by the rules which the state that appoints them has thought proper to establish. The one is a necessary consequence of the other; and were any other principle to be recognised for an instant, the legislative power would centre in these tribunals. But it is a very different question indeed, whether, on some great and crying occasion, when all that is estimable in society has been invaded, and rescued with difficulty from utter ruin, the perpetrators of this unprecedented wickedness, who acted upon the idea that

* Fox's Introduction to his *Hist.*

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the enormity of their guilt would protect them ; who, ' if they found themselves above the reach of ordinary justice, and feared not extraordinary, by degrees, thought that no fault which was like to find no punishment,'* may not be called to account by the legislature itself, in whose power are the lives and fortunes of the whole community? Whether, in short, that power which binds the whole, may not pass an act to touch an individual who has been guilty of the last degree of criminality? The sacred principles of justice are not impinged, for here is no precedent set for ordinary courts to transgress the limits prescribed to them ; and the guilt is such as requires no written law to define it. (Well may it be questioned too, whether it be not most advisable for a state to leave such monstrous iniquity undefined, lest, on the one hand, the study be how to commit wickedness in a new way so as to evade the statute ; and, on the other, lest such definitions should unnecessarily clog the administration. It has been argued, that the innocent may, by bills of attainder, be sacrificed to the vengeance of a prime minister ;† but this is assuming that the legislature might be converted into a mere tool in his hand ; and, if that were to occur, surely the mention of law and justice would become a mockery ; while there could not be any legal restraint against the commission of the act whenever the minister had an object to accomplish. It may be alleged that this is a reason for fortifying public opinion against the possibility of the measure ; but it may fairly be conceded, that wherever a people are so negligent of their own rights as to commit their lives, fortunes, and privileges, to a power in which they have so little confidence, they need not trouble themselves about the possibility of injustice to an individual whose high sphere must give an interest to that power to protect him, lest the members of it should create a precedent against

* Clar. vol. i. p. 119.

† Laing.

themselves. In such a situation, men of humble rank could not be liable to that unusual mode of proceeding, because general laws can always be made to reach them; and the attainder of a grand delinquent produces a notoriety that must either secure him from injustice, or more strongly impress the public with the conviction, that a change is necessary in the constitution of their government. Thus this argument, which assumes the possibility of such corruption, defeats itself. The legislature has seen cause repeatedly to suspend the *Habeas corpus* act; and, however men may differ as to the propriety of the measure on any particular occasion, it must be admitted in the abstract, that there may be a sufficient ground for it. But assuredly there is no comparison between immuring any numbers in a dungeon, and striking at the life of some grand delinquent by a law for the occasion. The last excites universal interest, and, should there be injustice, general sympathy for the victim of oppression, and abhorrence against his persecutors. The former exposes thousands to the possibility of a greater evil. They have not the satisfaction of being heard in their own defence; they lose the public sympathy, and lie forgotten; nay, when restored to society, it is with broken health, and, in all probability, broken fortune, to be shunned like a pestilence, and exposed to the odium of vice, without the means of self-vindication, as they were to punishment exceeding perhaps, in their estimation, what the law, in its utmost severity, could have inflicted on a full proof of the crime of which they were merely suspected. The magnitude of the evil none will deny; but the question is, Whether it must not be endured to avoid a greater? An act of attainder, where the guilt of the accused is established by competent evidence, and amounts to that of attempting to overturn the constitution of the government, in a manner which had not been contemplated by the law, is not liable to such objections. In vain does the accused pretend that there was no

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statute to warn him of the crime, since it is an intuitive truth that, if to violate one law be criminal, the violation of all the laws, which is involved in the attempt to subvert the whole system, must be infinitely more so.

With regard to the guilt of Strafford, none can, without prejudice, peruse the evidence, and yet deny that it was fully established—whether we consider his government of the northern counties, which were completely disfranchised—his administration of Ireland—his unconstitutional advice, or the measures adopted in consequence of it. The invariable attempt has been to invalidate the testimony of Sir Henry Vane, which yet appears to have been correct; but, were it even left out of view, the other evidence, even in regard to the unconstitutional advice, would be sufficient. That he told the king that he might use his prerogative in raising money, and was absolved from rules of government, is indisputable; indeed, he admitted that he might have used the first, and his quibble about the meaning of the words could never be seriously listened to, when it is considered that the advice was given because the legal mode had previously proved ineffectual. But, if this be established, what related to the Irish army was a matter of no importance. He who recommends the adoption of an arbitrary course, and particularly in that of taking the money of the subject by violence, necessarily calculates either upon having already a sufficient force to effectuate the object, or on being able to command it; and the conclusion is, therefore, inevitable, that Strafford either was prepared to introduce the Irish army, or flattered himself that the executive had strength to carry through the measure without its assistance. The Irish army could merely have effected the purpose in view; in either case, the country was ‘to be reduced to obedience;’ and, on the same principle that the Scots were to be overpowered by military force for resisting arbitrary measures, we cannot doubt that the same men were ready to advise, and pursue, a similar

course in regard to England. When matters have proceeded to that extremity, there is, as we have said, scarcely an alternative, and the conclusion would otherwise just be, that Strafford contemplated illegal violence of every kind, which should be persisted in till the people had evinced a readiness to repel force by force—a conclusion that would not alleviate his guilt. Surely, then, whatever may be said of the bill of attainder, it must be conceded that he had committed the most aggravated treason against the state, and that there would have been a deplorable defect in the constitutional system, if criminality of so horrid a dye, partly acted upon too, had been allowed to escape punishment in a country, where the heavy penalties of justice were severely visited on each petty offender; and unquestionably, at all events, whatever may be said on that point, it cannot be disputed that the generous tear which has been shed for him, might well have been spared. It may be added, that there seemed every reason to conclude, that the fate of the empire depended in a great measure upon his—a view which even brings the matter within Mr. Fox's idea in regard to self-defence.

When the bill of attainder was brought into the Lower House, it encountered sharp opposition, particularly from Lord Digby, who yet used the following language: 'Truly, sir, I am still the same in my opinions and affections as unto the Earl of Strafford. I confidently believe him to be the most dangerous minister, the most insupportable to free subjects that can be charactered. I believe his practices in themselves as high, as tyrannical, as any subject ever ventured on; and the malignity of them hugely aggravated by those rare abilities of his, whereof God had given him the use, the devil the application. In a word, I believe him to be still that grand apostate to the commonwealth, who must not expect to be pardoned in

Conduct of
Lord Dig-
by.

* Cob. *Parl. Hist.* vol. ii. p. 750.
Digby's father, the Earl of Bristol,
though a witness against Strafford,

laboured early to save that individual
(see Hailes' *Letters*, pp. 115-16).

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this world till he be despatched to the other.* To render his opposition more effectual, this lord, as we have said, stole the copy of Sir Henry Vane's notes, to which, as a member of the secret committee, he had access. The loss of so important a document created a strong sensation, and the theft was imputed to Whitelocke, to whom, as chairman of the committee, it had been entrusted. He protested his innocence, declaring that he had never shown it to any but the members of the committee; but the Commons insisted that all the members of the committee should make a solemn protestation in the house, that they neither conveyed it away, nor knew what had become of it; and Digby took it 'with more earnestness, and deeper imprecations than any of the rest.* Yet it afterwards appeared that he was the individual; and the promotion he obtained evinced that it was not unacceptable to his master. The bill, after a keen debate, passed with fifty-nine dissenting voices; and was transmitted to the Lords with a message, that the Commons were ready to maintain the legality of it in the presence of the earl himself. The duty of arguing the case was devolved upon St. John.†

* Whitelocke, pp. 43, 44.

† I have not ventured, for fear of misapprehension, to give any opinion of Mr. St. John's speech, in the text. That it was learned, all must admit; but as there was a passage in it which has been generally and justly condemned — that 'we give law to hare and deer, because they be beasts of chase; but it was never accounted either cruelty or foul play to knock foxes and wolves on the head;' the reader may be gratified with the context. 'My lords, it hath been often inculcated, that lawgivers should imitate the supreme Lawgiver, who commonly warns before he strikes. The law was pronounced before the judgment of death for gathering the sticks. No law no transgression. My lords, to this rule of law is, *Frustra legis*

auxilium invocat, qui in legem committit, from the *lex talionis*; he that would not have had others to have had a law, why should he have any law himself? Why should not that be done to him that himself would have done to others? It's true we give law to hares and deer, because they be beasts of chase. It was never accounted either cruelty or foul play to knock foxes or wolves on the head, as they can be found, because these be beasts of prey. The warreners sets traps for polecats and other vermin, for preservation of the warren. Farther, my lords, most dangerous diseases, if not taken in time, kill; errors in great things, as war and marriage, allow no time for repentance: it would have been too late to make a law when there had been no law. My lords, for farther

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ings of the
king in
regard to
Strafford.

His majesty was now in a very pitiable situation in regard to Strafford. To condemn the minister who, however great a delinquent to the community, had steadily endeavoured to promote what Charles conceived to be his own cause, conveyed equally a reproach upon himself and an idea of cruelty towards the servant. His power, however, was now too much circumscribed to struggle openly with the torrent, and he tried the effect of intercession to prevent the passing of the bill by the Lords; having previously, to mollify both Houses, consulted them upon a marriage between his daughter, the Princess Mary, and the young Prince of Orange. He now called both Houses before him, and passionately requested them not to proceed severely against Strafford. He requested the interposition of the Lords, declaring at the same time that he deemed the accused unfit to discharge the lowest office in future, not excepting that of a constable. It could not, however, fail to alarm all men, after what they had suffered, &c., to hear his majesty, even at this time, protest that no one had ever advised him to alter any of the laws, and that, had any had the impudence to do it, 'he would have set such a mark upon them, and made them such an example, that all posterity should have known his intention.' This

answer to this objection, he hath offended against a law, a law within the endeavouring to subvert the laws and polity of the state wherein he lived, which had so long, and with such faithfulness, protected his ancestry, himself and his whole family. It was not *malum quia prohibitum*, it was *malum in se*, against the dictates of the dullest conscience, against the light of nature,—they not having a law, were a law to themselves. Besides this, he knew a law without, that the parliament, in cases of this nature, had *potestatem vitæ et necis*, &c. (Rush. vol. viii.) This language was assuredly, to say the least, injudicious, and seems somewhat to justify the remark of the cotempo-

rary Scotch lawyer and politician, Johnstone of Warriston, who, in a letter to Lord Balmerino, says, 'The advocates here have fine encounters of speech, of quick turns of wit, but little syllogistical solidity of matter' (Hailes' *Let.* p. 118-19). See *Journals of Lords*, relative to Strafford's trial.)

N.B. In case I should have overlooked the following passage in Bailie's *Journals*, and fall into this error afterwards, I here advert to it: 'The plots of our enemies *since* hath been kything, and God going on to compound them to his own way above man's will and strength, as it may be, you shall here shortlie.'

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speech was resented by the House ; for that were such an interference with bills allowed, there would be an end to free discussion in parliament.*

Army plot.

But measures of a very different description were secretly concerting at court, to save the life of this devoted individual, and rescue the prerogative from its present danger. The field officers in command of the English army happened at this time to be in the metropolis, and the army was left under the direction of Sir Jacob Ashley. These officers, anxious to obtain the royal favour, supposed that the English army might be converted into an instrument against the parliament ; and soon began to concert matters with his majesty and the queen about the use of military force, both in rescuing Strafford and controlling parliament. The army itself began to be affected with a very ill spirit, and some desperate designs were agitated. But, fortunately, these men could not agree upon the mode of acting in the face of the Scottish army ; and Colonel (son of Lord) Goring, who had expected the chief command and been disappointed, gave information to Pym, whose vigilance prevented its execution. The plot, however, went on, even after the death of Strafford ; so we shall have an opportunity of recurring to it afterwards. On the 28th of April, Mr. Hyde was sent up to the Lords with a message that the Commons apprehended a design for the escape of Strafford, and they petitioned for the removal of Papists and disbanding of the Irish army. But on the 3rd of May the plot was disclosed, and a protestation for the maintenance of the Protestant religion, the king's person, and the power of parliament, was drawn up by the Commons, and transmitted to the Lords for their common subscription. It was on that very day that a mob of about six thousand citizens surrounded the parliament, crying out for justice upon Strafford and other

* Whitelocke, pp. 40-44 ; Cob. *Parl. Hist.* vol. ii. pp. 715, 754 *et seq.* ; Clar. vol. i. p. 255 *et seq.*

incendiaries, and to be secured from plots against the parliament, and for the earl's rescue. They also posted up at Westminster the names of the minority in the Lower House who had voted against the bill, and whom they stigmatised as Straffordians and betrayers of their country. The minority complained of being thus posted up; but against a mob no redress could be obtained.*

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* The original *Letters*, published by Lord Hailes, throw great light upon this point (see pp. 117, 120, 124, 134; Whitelocke, p. 45; Rush. vol. iv. p. 248 *et seq.*, vol. viii. p. 741). Lord Clarendon's account of the army plot is exceedingly disingenuous. He, in the first place, charges Pym and the others with having brought out the particulars in such degrees as suited their purpose, and not having disclosed it till three months after the discovery. In the second place, he alleges that all that was ever done, was drawing out a petition to the king and both Houses for the subscription of the army, in which, after enumerating the good things which had been done, it is stated, that 'there were certain stormy and pragmatical wits, who would be satisfied with nothing short of the subversion of the whole frame of government, and that these were backed by the multitude, who flocked down to Whitehall, not only to the prejudice of that freedom which is necessary to great councils and judicatories, but possibly to some personal danger of your sacred majesty and the peers. The vast consequence of these persons' malignity,' the petition continues, 'and of the licentiousness of those multitudes that followed them, considered in most deep care and zealous affection for the safety of your sacred majesty and the parliament; our humble petition is, that in your wisdom you would be pleased to remove such danger by punishing the ringleaders of these tumults, that your majesty and the parliament may be secured from such insolencies hereafter. For

the suppressing of which in all humility we offer ourselves to wait upon you, if you please, hoping we shall appear as considerable in the way of defence to our gracious sovereign, the parliament, our religion, and the established law of the kingdom, as what number shall audaciously presume to violate them: so shall we, by the wisdom of your majesty and the parliament, not only be vindicated from precedent innovations, but be secured from the future that are threatened, and likely to produce more dangerous effects on the former.' This petition, according to the noble historian, being shown to his majesty, he approved of it, 'and was content that it might be subscribed by the officers of the army, if they desired it.' The officer who presented it remarked that 'very few of the army had yet seen it, and that it would be a great countenance to it, if, when it was carried to the principal officers to sign it, any evidence might be given that it had passed his majesty's approbation; otherwise, they might possibly make scruple for fear of offending him.' 'Hereupon his majesty took a pen, and writ at the bottom of the petition C. R. as a token that he had perused and allowed it; and so the petition was carried down into the country where the army lay, and was signed by some officers; but was suddenly quashed, and no more heard of, till the discovery of the pretended plot' (vol. ii. pp. 205-7). See what the noble historian tells us by way of introducing the petition, p. 244. Now, after telling us the petition was quashed, he proceeds thus: '*The*

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The plot for bringing up the English army was connected with a design of procuring assistance from France,

meetings continuing between those officers of the army and some servants of his majesty, to the ends aforesaid, *others of the army, who had expressed very brisk resolutions towards the service*, and were of eminent command and authority with the soldiers, were, by special direction, introduced into those councils (*all persons obliging themselves, by an oath of secrecy, not to communicate anything that should pass amongst them*), for the better executing what should be agreed.' He proceeds to tell us that, *at the first meeting*, one of the persons so introduced proposed to bring 'up the army presently to London, which would so awe the parliament that they would do anything the king commanded;' that all the rest abhorred the proposal; and that he, either fearing a discovery, or resenting the rejection of his advice, went next day and disclosed the whole to the Earl of Bedford, Lord Say, and Lord Kimbolton; and yet afterwards proposed to the court party, with a crew of good fellows, to rescue Strafford, &c. He then says that, 'as dangerous as the design was afterwards alleged to be, *it was not published in three months after to the houses against whom the design was intended*,' &c., and only brought out to accomplish the ruin of Strafford. Even Clarendon's own account of the matter shows that it was sufficiently appalling; for the proposal in the petition, to *wait upon you*, 'could,' as Mr. Laing well remarks, 'mean nothing else than to march directly to London;' while the *subsequent meetings* and oath of secrecy, which that learned gentleman did not advert to, evince a most extraordinary spirit. But Mr. Laing, though he has some sound remarks upon the subject, has not considered it with his usual attention, and therefore we shall expose the statement of Clarendon. In the first place, with regard to the conceal-

ment of the plot for three months, so contradictory is his statement, that he himself tells us that '*the discovery of the plot concerning the army was made about the middle of April*' (p. 250); and that, in consequence of Pym's disclosure, the protestation was prepared on *the 3rd of May!!* (pp. 251-4.) The plot itself, as appears by the evidence, was agitated during March, April, and downwards, but not earlier; and indeed this is evident from his lordship's own statement, since the communication to the Earl of Bedford, &c., was made the day after the first meeting subsequent to dropping the petition, and that was the middle of April!! It is clear, therefore, not a day could be lost in making the disclosure, even by his own account. In the second place, the petition which Clarendon presents as genuine, carries on its face the most unequivocal marks of fabrication. 1st, it alludes to the free course of justice against all delinquents, of what quality soever, which, if it mean anything, must include the case of Strafford, whose trial could scarcely have yet begun; 2ndly, it alludes to 'the removal of all those grievances wherewith the subjects did conceive their liberty, &c. "prejudiced,"' which must assuredly mean the courts of Star Chamber, High Commission, &c., all which then, and for some time after, existed; and lastly, what puts the matter beyond all doubt is, that it is grounded upon the circumstance that thousands flocked to the call of certain men in parliament, and beset the parliament and Whitehall itself; and the very first tumult, according to all authorities, including the noble historian himself, occurred on the identical 3rd of May, *in consequence of the city having been agitated with rumours of a plot*, when the disclosure was made by Pym, and the protestation drawn out!! Indeed,

drawing into the field the Irish army, which parliament had often in vain applied for the reduction of, his majesty declining to gratify them, 'for divers reasons best known to himself.' Nay, one object of the plot was to prevent it, and even raising troops in London, under the pretext of intending them for the service of Portugal. There was a design, too, to introduce into the Tower, under the pretence of guarding it, a hundred men, commanded by a Captain Billingsley, who had undertaken to rescue Strafford, that he might flee to Ireland and join the army there. So desperate a plot required all the vigilance of parliament. An application was made to the king for an order to stop the ports, to prevent the escape of the conspirators; but though the order was issued, Mr. Jermyn, a favourite of the queen, was assisted by the

it is completely established by the evidence, that the chief officers began to take offence about the money (that occurred in the beginning of March—see *Diurnal Occurrences*, &c. ed. 1641; Hailes' *Let.* p. 110). That having taken an oath of secrecy, they had many consultations, and fell upon petitioning for money, and other points, the heads whereof were—'1st, Concerning the bishops' functions and votes; 2nd, *The not disbanding the Irish army until the Scots were disbanded too*; 3rd, The endeavouring to settle his majesty's revenue to that proportion it was formerly' (Percy's *Letters*, &c.). That first one petition and then another were destroyed with his majesty's knowledge, neither of them being like that preserved by Clarendon. That the one given by Clarendon was first published by his majesty long afterwards, along with a state paper (how he had a copy of a petition which was destroyed, he did not disclose); and as there is every reason to believe Clarendon himself the author of the state paper (see what he says on that point in his *Life*), so we may conclude that he who, according to his own account, was a dex-

terous forger of speeches and letters, which, with the king's knowledge, he published in the name of leading members of parliament (see his *Life*, pp. 69, 70, 136, 137), was the fabricator. Mr. Hume ridicules the idea of marching the army to London; but this, which is a species of argument that he always uses, will never rebut the most decisive proof that the thing was contemplated; and he overlooks the circumstance of military assistance being expected from France, &c., while the metropolis would have been in the power of the army. But is it not extraordinary that this author should give so triumphant a sneer, when he so deeply censures the conduct of the royal advisers for recommending a treaty with the Scots, and retails the story told by Clarendon, of Strafford's having shown how easily they could be driven out of England? It was, however, expected that the Scottish officers might be won over to connive at the others' march. Clarendon's statement about the plot for raising troops under the pretext of sending them to Portugal, is so unsatisfactory as to leave little room for doubt on the subject.

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court in quitting the kingdom. Percy, brother of the Earl of Northumberland, who with others lay concealed, afterwards, in a letter to his brother, gave such an account as might extenuate his own conduct, and as led to further discoveries.* In this alarmed state of the public mind it was naturally agitated with imaginary danger. Even before this, apprehensions had been entertained of the Earl of Worcester raising a body of Papists, and a report had prevailed of 1500 men having been trained with arms in Lancashire. The effect of these reports, however, has been exaggerated, to throw ridicule on the grand design; and the facts themselves have, with the same view, been given out of their order. In the November before, people had been startled by one James, a Papist, who, having been pressed to take the oaths by Mr. Heywood, a justice, suddenly drew his knife and stabbed him, reproaching him at the same time for persecuting poor Catholics. This fellow was afterwards believed to be insane; but the event at first excited consternation, some imagining that he would not have ventured on so bold a measure had he not been promised assistance from his brethren.† The effect of all this upon the populace led them to offer insult to the queen-mother, Mary de Medicis, on account both of her character and the number of Papists who resorted to her. This lady, who was remarkable for her intriguing disposition, had, in consequence of a combination with the Duke of Orleans, and the ill success of that enterprise, made France too hot for her, and had been driven to Brussels, where she was a while caressed by the cardinal infanta; but even there she provoked so many enemies, that, dreading personal violence, she sought an asylum with

Queen-mother.

* Rush. vol. iv. p. 252 *et seq.*, vol. viii. p. 735 *et seq.*; Cob. *Parl. Hist.* vol. ii. p. 776 *et seq.* 'The declaration or remonstrance of the Lords and Commons in parliament assembled, May 19th, 1642, with divers

depositions and letters thereunto annexed' (Husband's *Collection*, p. 195 *et seq.*; Whitelocke, pp. 45, 46; *Journals*; *Diurnal Occurrences*).

† Clarendon, vol. i. p. 249; and see Rush. vol. iv. p. 57.

the Prince of Orange in Holland. As, however, she could not remain quiet, in the year 1638 she came into England, where, says Whitelocke, 'the people were generally discontented at her coming, and at her followers, which some observed to be the sword and pestilence, and that her restless spirit embroiled all where she came.'* The fatal influence that the queen began to acquire over her husband had been remarkably evinced in the late plot, in which she had been particularly active. But the queen-mother was again suspected of encouraging her daughter, as well of herself intriguing in affairs of state; and the populace of England began to treat her with insult similar to what she had experienced elsewhere. The king upon this sent a message to the Commons, who, while they expressed their readiness to assist his majesty in all just ways for her protection, humbly besought him to move her to leave the kingdom, as their precautions might be insufficient to save her from insult.† She afterwards went to the Low Countries, where she died.‡

Had parliament been otherwise disposed to abate their rigour towards Strafford, the obstinate refusal of Charles to disband the Irish army, and the army-plot, must have inflamed them with additional keenness. The prince who could contemplate such measures, could never, after this detection, expect to recover the confidence of the people; and the leading members in either House must have been sensible that, in the event of his success in such schemes, they would be sacrificed to the royal vengeance. In the case of Eliot and others, they had a warning to a certain extent, and aggravated must have been the vengeance in proportion to their late vigorous controlment of the prerogative, and hot pursuit of the royal servants. When,

* Whitelocke, p. 29. The French about court were to take arms on the advance of the troops.

† Rush. vol. iv. pp. 266, 267.

‡ *Ibid.* vol. iv. p. 292; White-

locke, p. 45. This again is given out of its place by Mr. Hume, to cast odium on the parliament. (See Laud's *Diary*, October 19th, 1638.)

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therefore, some of the Straffordians, as they were called by the populace, privately urged a judgment against that criminal as for a minor offence—a judgment in which they would have concurred, it was answered, that were he voted guilty of a misdemeanour, and doomed to banishment from the royal presence, and incapacity to serve in a public station, as well as to fine and imprisonment, the king would immediately, on a dissolution of parliament, remit the punishment, and, with a general pardon, restore him to favour and place, when he would act over again all that had been so deeply as well as justly complained of.* Indeed, after the late desperate plot, the most bloody measures were, in that case, to be apprehended.

State of the
finances,
and bill for
the conti-
nuance of
parlia-
ment.

Government was now in great arrears to both armies, lying in the bowels of the kingdom; and though parliament might vote subsidies, money, which was instantly wanted, could only be raised immediately by loan. But the city, whence the money was expected, was not inclined to lend but upon the assurance of a general redress of grievances; and it was commonly believed, that were the armies disbanded, the king would at once dissolve the parliament, and recur to his old illegal courses, while he would dearly visit on the heads of the popular members, the attempt to restrain him in the exercise of arbitrary power. What in politics is intended to appear to bystanders and in reality does seem to them a sudden unexpected movement, is known to those behind the scenes to be the result of a preconcerted purpose. Such I apprehend to have been the case with the bill to prevent parliament from being dissolved, prorogued, or adjourned without the consent of both Houses. Though the matter was moved by one of the members for Lancashire as the offspring of his own head alone, he rested his position on the ground that his majesty would pass such a bill in order that parliament might continue till a provision was

* Clar. vol. i. p. 241 *et seq.*

made for the loan, as well as grievances redressed. He would undertake to procure a loan for 650,000*l*. The spirit with which the proposition was not only received, but instantaneously acted upon, sufficiently denotes a previous secret understanding. A committee was at once named to draw the bill, and it was not only introduced next morning, but passed that very day.* It was then transmitted to the Upper House, by which it was also passed. In the meantime, the bill of attainder was passed by the Lords, who had previously taken the opinion of the judges regarding its consonance to law. And now appeared an extraordinary revolution in the feelings and sentiments of the bench within a few months: the judges unanimously delivered it as their opinion, that the crimes proved against Strafford amounted to high treason. Fortified with this opinion, the peers proceeded to vote, when, out of the number of forty-five who attended, twenty-six voted him guilty on the fifteenth article, for illegally levying money in Ireland by force; and on the nineteenth, for imposing an unlawful oath on the Scots.†

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Bill of attainder passed by the Lords.

These two grand bills, one for the continuance of parliament, the other for the attainder of Strafford, were presented to the throne together. The embarrassments of Charles were great, the cry of a discontented people loud. He convened his privy council, and that body, without one dissenting voice, advised him to pass both bills. But as the monarch still contemplated the scheme of overpowering the parliament with the military, it was, in all probability, the one of attainder alone about which he was solicitous. The other bill, though it proved so momentous in its consequences, must have appeared insignificant to the prince, while his assent to so novel a bill was above all things calculated to throw the Houses off their guard, and cast discredit—at least, in so far as

Charles passes the bill of attainder, and that for continuing the parliament.

* Whitelocke, p. 45; *Diurnal Occurrences, Journals*; Cob. *Parl. Hist.* vol. ii. p. 786; Clar. vol. i. p. 456 *et seq.*

† Cob. *Parl. Hist.* vol. ii. pp. 757, 758; Whitelocke, p. 45.

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the royal pair were concerned—upon the evidence which might be adduced to substantiate the conspiracy. We find a passage by Clarendon in his own life, showing that Charles was, or pretended to have been, assured by learned men that the act was invalid from the beginning, and beyond his power to put such a restraint upon the inherent rights of the crown. As to Strafford, it was argued that he was merely an individual; and that, as the consequences of a furious multitude, with an almost universally deep-rooted distrust of the executive, might be very terrible, so there was no other expedient to appease the public mind—to induce parliament to make provision for the public exigency, or the city to advance money on loan. Amongst others, Williams, who had a little before been so persecuted, but had been lately, according to his own prediction, taken into the council, and apparently restored to favour, is said to have been an active adviser on the occasion, alleging that his majesty had a twofold duty to perform, one to himself, the other to the public, and that his conscience might, in a public capacity, do what, in a private, it might condemn: that all ordinary cases of life and death were referred to the judges through whom the king acted; and that, in this, not only the two Houses of Parliament had concurred, but the judges delivered their opinions against the accused. Though Williams had been the most virulent adviser, and should, if he had acted from personal and vindictive motives, be fairly censured, yet of all men Strafford had least cause to complain, since he had himself so profligately assisted in the persecution of that individual: the man who abuses his present power to crush an adversary should not murmur at a similar return on a change of fortune. But some writers, particularly Clarendon, appear to have done Williams little justice on any occasion, and less than usual on this. The House of Lords themselves nominated four prelates, the Lord Primate Usher and the Bishops Morton, Williams, and Potter, to satisfy his majesty upon

this subject; and they all concurred in one opinion, while the first still retained the confidence of the earl to that degree (Could a better proof of the correctness of his evidence at the trial be desired?) that 'he prayed with him, preached with him, gave him his last *viaticum*, and was with him on the scaffold as a ghostly father till his head was severed from his body.' The rest of the councillors, and the bishops, at least acquiesced in the opinion.* Strafford himself, understanding what had passed, and having lost all hopes of rescue from the Tower, addressed a letter to Charles, requesting him to pass the bill, that his life might no longer be the means of preventing a reconciliation of the prince with the people. Whatever might be his motive for writing this letter, whether to acquire popular favour by a show of magnanimity, as he probably expected that the request would be divulged, or to rivet himself more firmly in the monarch's affections by a pretended concern for his welfare, the sequel proved that he did not anticipate the request would be granted. Hence we may easily conclude that the story told by Clarendon, of a purpose entertained by the keeper of the Tower to order the earl's head to be struck off privately in case the king refused to pass the bill, and of this having been the prisoner's inducement (he having heard of the plot) to write the letter, must be as unfounded as the act itself would have been atrocious.

* Clarendon appears, from the rancour with which he always speaks of Williams, to have had a personal enmity to him. While he so strongly condemns him, and unjustly, on this ground, he yet admits that the others acquiesced. (But see Hacket's *Life of Williams*, from which the above quotation is taken, part ii. p. 161.) Authorities on this point are not, as indeed might be expected in a case where the greatest odium was supposed by the party to be attached to the advice, quite in unison. Nalson says that Juxon dissuaded his master from passing the bill (vol. ii.

p. 192); but other authorities do not support the statement. An attempt too has been made to vindicate Usher upon 'an account alleged to have been privately given by himself; but, even according to that, he told his majesty that he (the king) should himself be satisfied as to the proof of the facts, but that, as to their legal effect, he ought to be guided by the judges, an advice that approximated to that of Williams. (See *Biog. Brit.* article *Usher*.) The statement is disproved by the facts as given by Hacket, &c.

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Urged by his council, and apparently pressed by the criminal himself, Charles granted a commission to pass both bills, and sent Secretary Carleton to apprise the prisoner of his fate, with the motives that had influenced the king, among which was particularly mentioned his own request. Stunned with the unlooked-for intelligence, Strafford conjured the secretary not to trifle with his feelings, but to declare the truth. The other assured him of the fact, when he started from his chair, and, lifting his eyes to heaven, at the same time laying his hand on his heart, exclaimed in agony, 'Put not your trust in princes, nor in the sons of men, for in them there is no salvation.' Charles himself felt immediate remorse for having given his consent, and the next day, which was the 11th, wrote a letter to the Lords with his own hand, begging them to interpose with the Lower House to spare the earl's life. He added a postscript in these words: 'If he must die, it were a charity to reprieve him until Saturday.' That was three days. He afterwards explained this as intended to afford Strafford an opportunity to settle his affairs. They, however, refused to interfere, yet assured his majesty that they would be suitors to him for mercy to be shown to the earl's innocent children, and to approve any settlement for them. In consequence of this it became necessary for the prisoner to prepare for execution.*

* *Journals of Lords*; Cob. *Parl. Hist.* vol. ii. p. 758; Whitelocke, p. 45; Clar. vol. i. p. 450 *et seq.*; Rush. vol. iv. p. 282 *et seq.* Mr. Hume, in a note, says, that 'Mr. Carte, in his *Life of the Duke of Ormond*, has given us some evidence to prove that this letter was entirely a forgery of the popular leaders, in order to induce the king to sacrifice Strafford.' Mr. Hume then gives his reasons for inclining to the other opinion. But the story which Carte gives us (he says he received it from a Mr. Howard, to whom he appeals, and who had it from another, &c.) is ridiculous, and

was most probably improved at least by himself, for whoever has studied the works of that author, must be satisfied of his want of scrupulosity in any statement on that side of the question.

Amongst Carte's papers at Oxford, I found a card from Birch to him, of which the following is a copy: 'To prevent Mr. Carte from falling into new mistakes, Mr. Birch thinks proper to assure him, that he had not the least hand in the letter to the Rev. Mr. Thomas Carte, nor ever saw one line of it before it appeared in print; and that his expostulations with Mr. Carte's at Childe's Coffee-house,

Strafford was appointed to suffer on the 12th of May, upon a scaffold erected on Tower Hill. In his passage thither, he looked up to the apartment of Laud, who stood at the window dissolved in tears, and who having pronounced his blessing, sank down overpowered.* The interested, guilty friendship of these two individuals had been latterly dissolved by deadly hate; but a common calamity—each, in the other's misfortunes, beholding his own—had since restored a mutual sympathy.† The earl, accompanied with the Primate of Armagh, the Earl of Cleveland, and his own brother, Sir George Wentworth, walked with a firm step and undaunted mien to the place of execution, where, having addressed the bystanders, and coolly adjusted his hair and clothes, he died with perfect composure. Draughts of speeches, which, it is al-

were founded upon the enclosed comparison of that gentleman's two performances at that time drawn up by him; which, in justice to himself, he is determined to publish if Mr. Carte introduce him in any manner into his dispute with the *Bystander*, or with the author of the said letter to Mr. Carte.

'Feby. 2d, 1743.'

The 'Comparison,' which has two columns on every page, one containing the one statement, the other the other statement, or different authorities, certainly exhibits the most extraordinary misrepresentations and inconsistencies that can well be imagined, and is only equalled by the extreme violence and insolence with which Carte writes to his correspondent Mr. Boswell, rector of Taunton, on the subject. Carte did not himself directly venture to enter the lists with Birch (see Birch's Preface to the last edition of his *Enquiry*), but it appears by his correspondence with Boswell, that he got that individual to publish an answer in his own (Boswell's) name. The work was published in 1754, under the title of the *Case of the Royal Martyr con-*

sidered, &c. Carte's *Papers*, C. C. C. C. or E. E. E. E. (I think they are marked both ways), *Loose Papers*, No. 2, 378. The person who had drawn out the catalogue had not attended to the correspondence, otherwise he would not have accused Mr. Boswell of having 'pirated' the performance and published it in his own name.

* Nalson, vol. ii. p. 198; Rush. vol. viii. p. 782; Heylin's *Life of Laud*, p. 480.

† We have already given authorities on this subject. After Strafford's great ascendancy, which was in 1630, Laud seems to have truckled to him as the other had formerly done to Laud (*Sidney Papers*, vol. ii. p. 626). But Strafford had at that time lost the good graces of the queen (Clar. vol. i. p. 222), while Laud was deep in her favour (see *Diary, &c.*). The first too joined with Cottington in great confidence (*Sidney Papers*, vol. ii. p. 657), though an individual whom Laud appears to have been very jealous of. (See *Straff. Let.* vol. i. p. 480; Clar. vol. i. p. 222; see also what we have already said on this subject.)

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leged, he had prepared about the time of his death, have been attributed to him; but they do not appear to be genuine, and are at variance with that which Rushworth took from his lips on the scaffold, as well as with the heads of it which that collector has preserved from the written copy under the earl's own hand. Charity would induce all who are acquainted with his correspondence and misconduct to wish that it had been otherwise; or, at all events, that that portion at least of the speech actually delivered on the scaffold,—in which he declares himself to have been always a friend to parliaments, were not authentic, for it is deplorable to believe that his last moments were polluted with an untruth.*

Thus died Strafford in the forty-ninth year of his age, atoning, in some measure, for the errors of his life by the manner of his death. We have dwelt the more upon his trial, both as it has been generally misrepresented, and as his fate was so remarkably connected with the succeeding convulsions. A man of talents he unquestionably was; but in vain do we search his letters and dispatches, as well as his defence, for proofs of those transcendent abilities which have been commonly ascribed to him. He had, from his youth, earnestly cultivated composition and public speaking, and though he attained no perfection in the first, he acquired, what is absolutely necessary in the last, and hides many defects—fluency of language. The natural impetuosity of his temper was, therefore, unrestrained by the difficulty, which so many experience, of finding words to give it vent; and his manner appears, from all accounts, to have been exceedingly graceful. But he had one vast advantage in what Lord Bacon calls the eloquence of accident. The king and queen (how far their influence extended we need not inquire), the cour-

* Rush. vol. iv. p. 267 *et seq.*, vol. viii. p. 759; Nalson, vol. ii. p. 198 *et seq.*; Scott's *Somers' Tracts*, vol. iv. p. 254 *et seq.* About 100,000 people

attended the execution, yet not an indecent expression escaped one of them (Rush. vol. viii.).

tiers, the ladies, the clergy ('who, in general,' says May, 'were so fallen into love and admiration of this earl, that the Archbishop of Canterbury was almost quite forgotten by them'),* were ready to applaud everything that fell from his lips. The vicissitude of human life, so strongly exemplified in the case of one who, with such rank, had lately possessed such power, and was still expected to recover it if he escaped the present danger, yet now appeared as a criminal, was necessarily affecting, while he equally derived importance, and borrowed lustre, from the exertions which were made to bring him to justice, and the imposing solemnity of the whole scene.† His

* May, p. 92.

† Those who collate his defence to the different articles, with the answer to the charge, will find the chief arguments urged by him then, used in the last; and if Digby, as was believed at the time, and may be inferred as nearly indisputable from the part he acted regarding the notes of council, carried to him an account of all the depositions, there is the less to admire. People are foolishly apt to wonder at everything spoken, though they would see nothing particular in it if it had been written, as if a man could not say what he could put on paper, when he has a little time to recollect himself. The self-collectedness shown by Strafford has been greatly admired. But when we consider the grand theatre on which he exhibited; that, whatever the issue, he still had the admiration of a great body, we can admire it the less. Even Laud, though naturally timid, and placed in very different, and far more trying, circumstances, was admitted to have defended himself with the utmost readiness and great acumen. I have already spoken of what are called his troubles, and I need not repeat what I have said. I do not admire them; but in point of readiness, &c., they exceed what we find in Strafford's defence. It was the conclusion only of Strafford's which filled people with admiration, particularly his

pausing to weep at the mention of his second wife. But Laud had a vast number of authorities from the fathers to quote; and in short defended himself on abstruse points as well as on facts, the evidence of which he disputed. In my opinion, a man who, in such circumstances, defends himself, has an advantage; he can always tell his own story in commenting upon the evidence, and, as he speaks confidently, he is a sort of witness in his own favour: the magnitude of the occasion, too, if he have any power, rouses him to the highest exertion. It is true that a little mind is apt to sink under a great occasion; and there are state cases where the prisoner should never open his own lips, because the sentiments which he utters may be held by the jury to savour of what he is arraigned. But Wentworth himself never expected to lose his life. The utmost he looked for was a sentence for misdemeanour, which his majesty had, by a letter under his hand, promised to pardon without affecting his fortune (see Let. in *Biog. Brit.* to his wife; see also Charles's Letter, *Ib.*) There is even a mysterious letter to his secretary, Slingsby, showing that he had some faint hope after the bill was passed (Rush. vol. viii. p. 774). What was the nature of his expectations I shall not pretend to determine.

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death, by satisfying justice soothed his adversaries, and left his friends the power of magnifying his virtues: the subsequent events produced in the Royalist party a species of devotion to his memory, because, with his fate, they all, including the monarch himself, associated their own misfortunes. The supposed authenticity of the Eikon, in which Charles is made to lament his rash concession to the voice of his people, increased the feeling—a feeling which has descended from one generation to another—till with many, especially the high churchmen, it became a mark of disaffection to doubt either the magnitude of his talents, the baseness of his persecutors, or the integrity of his life: and it is somewhat singular that the latter has commonly been most vehemently asserted by such as have been themselves remarkable for entertaining principles approximating to those which he suffered for acting upon. The cause of the extraordinary attachment to his memory may be fully discovered in the words of his friend Sir George Ratcliffe: ‘*He died a martyr for the church and the king.*’ But there never was a more unfounded notion: he encouraged a system—which, however, he merely adopted from a view to self-aggrandisement—that had nearly occasioned the utter ruin of both the one and the other, while it led to the untimely death of his royal master.

He was thrice married, first, at a very early age, to Lady Margaret Clifford; * then to Lady Arabella Hollis ;

* The authors of the *Biog. Brit.* have questioned the date of this marriage, making it much later, because, in setting out with his *Essay* towards the life of Strafford, Sir George Ratcliffe complains of the decay in his memory, which would prevent him from doing Strafford justice in sundry particulars, and they think the marriage too early in his life; but, in truth, Ratcliffe’s statement is not an apology for incorrectness, but for having so little to relate, as he immediately writes this, ‘But seeing

my unfaithful memory hath lost part of the occurrences which concerned my lord, I am loth to let slip the remainder.’ In dates he is remarkably correct so far as his *Essay* goes; he certainly was better able to judge regarding the probability of his patron’s marriage than these writers; and he never could be mistaken in this respect, as, if he had, the son to whom the *Essay* was addressed, could have corrected the error.

and lastly, within a year of Lady Arabella's death, to Elizabeth, daughter of Sir Godfrey Rhodes, a lady whom he preferred to a daughter of the Earl of Cork, though he was, at the same time, so ashamed of the connection, as beneath his rank, that he concealed the marriage, which was a private one, for about a twelvemonth. By the first he had no children, but he had four by the second, two sons and two daughters (of whom one of the sons died young); and two by the third, a son, born two years after the marriage, who pre-deceased himself, and a daughter, whom he left an infant.*

* Lady Arabella is said to have been remarkably beautiful and accomplished, and he always spoke of her memory with the highest respect, as his *saint*, &c.; while Sir George Ratcliffe tells us that he carried him out of bed to receive her last blessing. But perhaps the fair reader may not deem his attachment to have been of a very exalted nature, or his affection long-lived, when she reflects that he was talking about a third marriage within not many months of her death, and actually formed his third connection within the year. She died in October, 1631; and, from a letter by him to Mountnorris, on the 19th of August following, it appears that he had then declined a marriage with the Earl of Cork's daughter (*Let. and Disp.* vol. i. p. 73). Ratcliffe tells us that he married next October; but from the following letter it may be doubted whether that event had not occurred earlier, though Ratcliffe might either not choose to mention it, or might himself be a stranger to all the truth. 'Madam, I have in little much to say to you, and, in short terms, to profess that which I must appear all my life long, or els one of us must be much to blame. But in truth I have that confidence in you, and that assurance in myself, as to rest secure the faulte will never be made on either side. *Well, then, this little and this much, this short and this long, which I aim at, is no more than to*

give you this first written testimony that I am your husbande, and that husbande of yours that will ever discharge those duties of love and respect towards you which good women may expectt, and are justly due from good men to discharge them with a hallowed care and continued perseverance in them; and this is not only much but all things which belongs me, and wherein I shall treade out the remainder of life which is left me; more I cannot say, nor perform much more for the present: the rest must dwell in hope untill I have made it up in the ballance that I am, and must be, noe other than your ever-loving husbande, Wentworth' (York, 30th October, 1632). From a postscript to this letter, about a paste for the teeth, one box to himself another to her, it appears that the lady was in London (nay, he desires her to speak to Ratcliffe for the paste), and he does not by his letters appear to have been from York that month (see his *Let. and Disp.* during that month and even August); whence we may conclude that the connection was of an earlier date, or that he had sent her off immediately after the ceremony. But is there not something mysterious in this matter? Though privately married, surely the lady needed not have been afraid, as she evidently was, of being discarded like a cast-mistress, since she might have easily proved the marriage. She had answered this letter in a

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The children were, by act of parliament, restored to their blood and estate.*

humble strain, and he wrote thus, on the 19th of November, 'Dear Besse,' (the former cold madam, probably, tended to freeze the lady), 'your first lines were wellcum unto me, and I will keepe them, in regard I take them to be full as of kindnesse soe of truth. *It is no presumption for you to write unto me, the fellowship of marriage ought to carry with it more of love and equality than of any other apprehension,*' &c. The continued strain of the letter is in itself exceedingly good; but she had cause to lament the want of equality, nay,

downright degradation, since he did not acknowledge her as his wife, and kept her at a distance—strange condition for a newly married woman—nay, sent her into Ireland next January (1633) under the charge of Sir George Ratcliffe, while himself did not follow till July after (see *Biog. Brit.* Wentworth, Ratcliffe, *et seq.* But the writers of the *Biog. Brit.* appear to pay no attention to dates, for while they mention that she went with Ratcliffe to Ireland in January, 1633, they say that Wentworth did not think proper to carry her over

* *Journals*, 15th June, 1641. Nothing regarding Strafford has been treated with common justice. The usual clause in a bill, *pro re natâ*, that it should not be drawn into a precedent, and which is a proper restraint upon the ordinary courts, to which alone it is applicable, has been represented as an implied admission of the illegality of the bill: even the restoration of the children has been laid hold of by Mr. Hume as a confession of injustice. Yet it may safely be remarked, that had parliament refused that concession, their conduct would have been stigmatised as the height of barbarity. In the concession they merely followed the example which had been set them in various cases by the family on the throne, and particularly in the case of Sir Everald Digby's son, though Sir Everald's treason was of the blackest kind—the Gunpowder Plot. And, for my part, I am not disposed to give him entire credit for the *conscientious* part he performed in that plot. It is true that false religion had satisfied his scruples; but did he not expect temporal power as a reward for religious zeal? Of late, many exertions have been made to put an end to the attain of the blood in the case of treason; but the reasoning used has not convinced me. It is the protection of the laws which has en-

abled every individual to succeed to title and estate from his ancestors; and when he endeavours to destroy all law, it is but fair that he should forfeit them for his posterity: he breaks the condition on which he was permitted to enjoy them. Besides, a man will frequently be deterred from the perpetration of an enormity out of regard to his children, when he might not otherwise be restrained; and, in that case, severity to the individual is mercy to the community. I suspect that people's reasoning on this subject is apt not to be unmixed: that they, in considering the point, call to mind the instances of men who have either been unjustly condemned, or have merely been unsuccessful in a noble struggle for the liberties of their country—such as the cases which occurred in the two next reigns, and have taken place in other states—and that the feelings inspired by these instances warp the judgment in deciding upon the propriety of extending the penalties to the heirs. But this is assuredly an unfair view of the question; since, on all hands, the enormity of the crime and the necessity of terrible punishment are assumed, the guilt being that of individuals heading a faction to destroy that system under which the community at large choose to live.

The principal officers of state, as we have already mentioned, had tendered their resignations with a view to

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Officers of
state re-
sign.

himself, but left her to the care of his trusty friend Ratcliffe, &c., whereas he himself went only in July, 1633; and if they mean that she was brought over in January, 1634, they are equally wrong, as Ratcliffe states the matter precisely. Indeed, after Wentworth acknowledged the marriage, there was no occasion for living longer separate. Ratcliffe tells us that Strafford consulted him and Greenwood on all his domestic as well as public affairs (see Laud's *Letter*, 14th Oct. 1633, about the marriage in *Let. and Disp.* vol. i. p. 125). On the back of Wentworth's first letter to his third wife were written these words in a female hand. 'Tom' (the first child) 'was borne the seventeenth of September, being Wednesday, in the morning, betwixt two and three o'clock, and was christened of the seventh day of October, 1634' (*Biog. Brit.*). It is a little odd that Clarendon should have known so little of Strafford's family, as to say that he had all his children by Lady Arabella (*Hist.* vol. i. p. 188); and it is strange that Strafford, whose private letters show that he was much attached to his child by the third wife, should never allude to her, nor to his wife, when he paused in his speech: but the rhetorical effect would have been spoiled (*Rushworth*, vol. viii. p. 773). The authors of the *Biog. Brit.*, I suspect, have fallen into a mistake in supposing, from a passage in a letter, that he had more daughters by his third wife, forgetting that he then included his two former daughters: (see a letter to his wife, to whom he professed great attachment, in *Somers' Tracts*, vol. iv.).

'He was much defamed,' says Ratcliffe, 'for incontinence, wherein I have reason to believe that he was exceedingly much wronged. I had occasion of some speech with him about the state of his soul several times, but twice especially, when I

verily believe he did lay open unto me the very bottom of his heart: One was, when he was in a very great affliction upon the death of his second wife; and then, for some days and nights, I was very few minutes out of his company. The other time was at Dublin, on a Good Friday (his birthday), when he was preparing himself to receive the blessed sacrament on Easter Day following. At both these times, I received such satisfaction as left no scruple with me at all, but much assurance of his chastity.' It is clear from this, that his character had been noted on this account before the death of Lady Arabella; because, otherwise, Ratcliffe would not, at her death, have required to have his scruples removed. Ratcliffe continues: 'I knew his ways long and intimately, and though I cannot acquit him of all frailties (for who can justify the most innocent man), yet I must give him the testimony of conscientiousness in his ways that he kept himself from gross sins' (was not the affair with Chancellor Loftus's daughter-in-law a gross sin? or was it merely a frailty?), 'and endeavoured to approve himself rather unto God than unto man, to be religious inwardly and in truth, rather than outwardly in show.' The same Ratcliffe celebrates his justice, &c., only admitting, that 'he was exceeding choleric.'

In Strafford's case, as well as in the instances of cotemporaries, was sadly exemplified the misery of those 'who hang on prince's favours'—and the baseness of the men. Williams, whom he had courted, he afterwards tried to ruin. Weston, earl of Portland, to whom Wentworth professed the most ardent devotion, had scarcely introduced him to court when he suspected, from Wentworth's union with Laud, of whom Weston was jealous, that he was trying to supplant him (*Let. and Disp.* vol. i. pp. 79, 211). Cottington had written

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their places being bestowed upon the chief popular members, on condition of their dropping the prosecution of Strafford; but as that arrangement had failed, the resignations were not accepted. The fate of Strafford now, however, so alarmed these official men, that they declined to retain their dangerous pre-eminence longer, and Cottington's office of master of the wards was bestowed upon Lord Say; Juxon's, of high treasurer, was put into commission; the Earl of Essex was made chamberlain of the household; the Earl of Leicester nominated lord lieutenant of Ireland; Newcastle resigned his place of

to Strafford about the dangerous indisposition of Weston, and he answers (on the 28th March, 1635), that he had been so affected, that he had not been well since; 'that Monday night last he swooned twice before they could get off his clothes' (*Id.* p. 393). In a letter to the Earl of Newcastle, on the 9th of April, that is, within a fortnight of the one to Cottington, he expresses himself thus: 'The truth is, I conceive my lord treasurer, sometime before his death, wished me no good, being grown extreme jealous of my often writing to my lord of Canterbury, and myself, out of a sturdiness of nature, not so gently passing by his unkind usage, as a man of a softer and wiser temper might have done; for, I confess, I did stomach it very much to be so meanly suspected (being as innocent and clear of crime towards him as the day), considering that I had, upon my coming from court, given him as strong a testimony of my faith and boldness in his affairs, nay, indeed, a stronger than any other friend he had, durst, or at least would do for him. So as finding myself thus disappointed of the confidence I had in his professions at our parting, I grew so impatient as to profess, even to himself, I would borrow a being from no man living but my master, and there I would fasten myself as surely as I could; so as by his death it is not altogether improbable that I am de-

livered of the heaviest adversary I ever had' (*Id.* p. 411). No wonder that Weston was jealous, considering Wentworth's correspondence with Laud, to whom Wentworth professed the most unlimited devotion. 'He should end his life in acknowledgments to his grace,' &c. (see his *Letters* to Laud during the life of Weston). How these individuals afterwards split we have already seen. Again, Wentworth even applies for an earldom to stop the malice of his enemies, who sought his ruin, but might be deterred by such a mark of the royal favour. Charles long refused it (see *Biog. Brit.* and *Let. and Disp.*).

It is alleged that Sir Henry Vane had perjured himself out of revenge for an injury done him by Strafford, in taking the title of Baron Raby, Raby being the name of Vane's estate; but the best proof of the correctness of Vane's testimony is, that in spite of it, he retained the king's confidence (see 'Correspondence between Charles and Secretary Nicholas' in the Appendix to Evelyn's *Mem.*). The paper for Bridling Parliaments, in Ludlow's *Appendix*, is improperly attributed to Strafford, having been the production of Sir R. Dudley in the preceding reign (see Howell's *State Trials*, vol. iii. p. 387). I should not have noticed this had not the same error been committed by the editor of Hutchison's *Memoirs*.

governor to the prince, and the office was afterwards bestowed on the Marquis of Westford—a matter of which we shall have, in the sequel, particular occasion to speak.*

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During the momentous trial of Strafford, bills were brought into the Lower House for the abolition of the court of Star Chamber, the High Commission, the Court of York, the Court of the Marches of Wales, and other unconstitutional tribunals; but they were not transmitted to the Lords till a considerable time after his fate was determined. The two first, having passed the Upper House likewise, were presented to the throne along with a poll-bill; but his majesty, while he passed the last, took no notice of the first, and the circumstance excited discontent, which induced him to pass those bills also.† His grand object was to retain the ecclesiastical government, which the current now ran strongly against. A bill, in consequence of former resolutions, having passed the Lower House, to restrain bishops and the other clergy from intermeddling with secular affairs, and which affected the right of the prelates to sit as members of the Upper House—a right that, according to the most eminent lawyers, they had enjoyed, not as belonging to their ecclesiastical function, but to their secular baronies‡—was transmitted to the House of Lords; but as was to have been anticipated, it naturally met with a powerful opposition from the spiritual members, of whom there were twenty-six; and as several temporal peers joined them, they succeeded in throwing out the bill.§ The Lords, however, voted that the prelates and other churchmen should neither be privy councillors, members of the Star Chamber, nor justices of peace. The fate of this bill only induced the Commons to

Abolition
of the Star
Chamber,
&c.

A bill to
restrain
bishops,
&c. from
secular
offices.

Deering's
bill for the
utter extir-
pation of
bishops,
deacons and
chapters.

* Cob. *Parl. Hist.* vol. ii. p. 793; Whitelocke, p. 46.

larly 2nd, 3rd, and 5th July.

† *4th Inst.* pp. 35, 46, 321.

† Cob. *Parl. Hist.* vol. ii. pp. 844, 851; Rush. vol. iv. p. 304; Nalson, vol. ii.; *Journals of Commons and of Lords*, 11th June, *et postea*, particu-

§ Cob. *Parl. Hist.* vol. ii. pp. 725, 763, 792, 794, 814, 816, 822, 828; Clar. vol. i. p. 477, and Appendix F.

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attempt a bolder measure—that of utterly abolishing the hierarchy, with deans and chapters, &c. The bill on this subject, though introduced by Sir Edward Deering, is said to have been drawn by St. John; and to have had, for its most active promoters, Sir Henry Vane, junior, and Oliver Cromwell.

According to Clarendon, the first reading of this last encountered the most strenuous opposition. It was, however, on the same day read a second time and committed, the majority being considerable. In committee it underwent much discussion; * but the noble historian, to whom we have just alluded, having been appointed chairman, so protracted the discussion on every point, that the summer was wasted in useless debates. This he did in conjunction with a secret understanding with the monarch himself, and yet with an effrontery that must equally excite our pity and contempt. In his Life, he exultingly relates his own petty tricks to postpone the measure. A new church government, by commissioners in every diocese, was proposed as a substitute, with a liberal allowance to the present incumbents. To terrify the hierarchy too, thirteen of the bishops were impeached for their illegal proceedings at the late convocation. Wren, upon a report of the committee, was voted to be incapable of holding any office, either in church or state, and committed to the Tower. Six of the judges were also impeached.† A vote of the Commons, in regard to the city of London, may likewise be properly introduced in this place:—The city had purchased a large plantation in Ireland; and this the court of Star Chamber, which had

* Cob. *Parl. Hist.* vol. ii. p. 814; see *Deering's Speeches*, London, printed by F. Englesfield, 1642; *Clar.* vol. i. p. 482 *et seq.*; *Life*, vol. i. p. 90 *et seq.*; *Journals of Lords*, 13th May, *et postea*. It was thrown out on the 8th June, after having been the subject of conference between the Houses and frequent debates.

† Rush. vol. iv. p. 319 *et seq.* Whoever will take the trouble to compare this with Clarendon's own speech against the judges, on the 6th July, 1641, will set a proper value upon his statement in his history on tonnage and poundage (see *Diurnal Proceedings*; *Journals of Lords and Commons*, 12th June).

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no power even by usage for interfering with questions of freehold, had adjudged to be void; an act in which it had not even attended to the abstract principles of equity. The Commons voted the proceeding to be a usurpation, as well as a pure act of injustice, and resolved that the city should be restored to its property.* The right of parliament in the case of tonnage and poundage, that former grand point of dispute, was now completely vindicated. A committee having been appointed to inquire into the rate of duties, and the proportion which articles would bear in such a period, after a long investigation, fixed upon certain temporary rates; and an act was passed granting the duties to the crown from the 15th of May to the 25th of July; by another, they were granted from the 25th of July to the 10th of August; and again, from the 10th of August to the 1st of December. But, in the preambles, the exclusive right of parliament to give such duties was fully recognised, and it was provided by a particular clause in each, that if any officers whatever levied such duties, or any customs except what were denominated the perpetual customs, and had been regularly paid from the time of Edward III. to that of Queen Mary, they should incur the penalty of a premunire, and disability to maintain any action in a court of justice.†

Tonnage
and pound-
age.

The Irish army, which had been expressly raised for the subjugation of Scotland, had now become unnecessary, and parliament strenuously insisted upon the disbanding of it. In the meantime the Commons continued their investigations of the army-plot, in which Ashburnham, Wilmot, Sir John Berkley, O'Neil, and others were found to have been deeply engaged, though to the House they had disclaimed everything, even to the oaths of secrecy, which was then no longer denied by the Royalist party. This complete discovery made the evil recoil upon the king, who, fearing the consequences of refusing,

Irish army.

* Rush. vol. iv. p. 379.

† *Journals*; Nalson, vol. ii. p. 280; see stat. 16 *Car.* cc. 8, 12, 22.

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now reluctantly consented to disband the Irish army.* But he then intimated that he had made an arrangement with the Spanish court for transporting the troops to the Continent. This, however, neither satisfied the parliament nor the nation. It was easy to perceive that, under such a pretext, the army might be kept on foot till both the Scottish and English armies were disbanded, and then introduced into the bowels of the kingdom. In the original army-plot they had a sufficient warning of the king's insincerity and desperate counsels; and even the actual transportation of the Irish army did not secure them from danger.

King's
intention
to visit
Scotland.

Charles did not with this abandon his dark projects. He had been tampering with some of the Scottish commissioners, and corresponding with an unprincipled violent faction in Scotland, with whose assistance he expected to recover the ground he had lost. With the view of strengthening that faction, and maturing his schemes, he proposed a journey to Scotland. The Commons, who apprehended mischief from that quarter, as well as from his presence with the armies (part of the Scottish commissioners had early taken the alarm, and a strange letter from the Earl of Montrose, whose ambitious designs were now generally suspected, had been discovered), begged his majesty to postpone his journey till the armies were disbanded, and they succeeded in gaining time; but they had agreed to his beginning it on the 10th of August; and when they prayed him to delay it for a fortnight longer, he positively refused; yet, to remove discontent, he passed a bill against knighthood-money, and another for liberty to make gunpowder and saltpetre. Sir Arthur Hastings had brought in a bill to settle the militia by sea and land in such individuals as should be agreed upon by the legislature; and though it was only once read, and dropped for the present, Charles

* Rush. vol. iv. p. 360; Nalson, vol. ii. pp. 233, 465, 466; Clarendon, vol. i. p. 499 *et seq.*

had every reason to believe that it would afterwards be persisted in. As, however, so extraordinary a bill could only be justified on the ground of want of confidence in the king, he politicly anticipated the measure by granting a commission to the Earl of Essex, who had become very popular, constituting him, during his majesty's absence, general of the forces in the south of the Trent, with power to raise troops in case of necessity.*

The grand point of debate now regarded the disbanding of the armies, the question being which should be disbanded first; but it was at last prudently resolved that both should be disbanded together. This was accordingly begun on the 6th of August, and 'the Scots, with store of English money and the best entertainment, left their warm and plentiful quarters.' An act of pacification was likewise passed.† The disbanding of the Irish army was begun in June. As the king was peremptorily resolved to commence his journey by the 10th, the Commons sat all Sunday to finish important business; but they apologised for it to the people as an act of necessity, and declared that it should not be drawn into a precedent. They pressed much for a regency in the king's absence, but it was refused. They likewise appointed a committee to accompany his majesty, with a view of attending to the English interest, though, in reality, to watch his motions. The committee were, the Earl of Bedford, Lord Howard, Sir Philip Stapleton, Sir William Armyne, Mr. Fiennes, and Mr. Hampton.

Disbanding of the armies.

All the vigilance of parliament proved necessary; and so perverse was the royal policy, that an attempt to debauch the troops was made, even at disbanding the armies.‡

After the king's absence, nothing important was done,

* Clarendon, vol. i. p. 279.

† Whitelocke, p. 47; Rush. vol. iv. p. 362 *et seq.*; Nalson, vol. ii. p. 466; Clarendon, vol. i. p. 279.

‡ Rush. vol. iv. p. 275; Clarendon, vol. i. p. 280; *Diurnal Occurrences.*

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except that the army-plots (for there appear to have been two) were farther successfully investigated; that some orders were issued about public worship; and that the Commons, by their order, &c., of the 8th September, frustrated the private agreement between the king and the Spanish ambassador, to engage a great part of the Irish army for Spain. The Commons, as well as the Lords, adjourned on the 9th September till the 20th October, having appointed a committee to watch over the public interest during the recess.*

* *Cob. Parl. Hist.* vol. ii. p. 904 *et seq.*; *Journals.*

CHAPTER IV.

SECRET POLICY OF THE KING—AFFAIRS OF SCOTLAND, AND CONDUCT OF MONTROSE—THE KING'S JOURNEY TO SCOTLAND—THE INCIDENT, AND SETTLEMENT OF AFFAIRS THERE—THE IRISH REBELLION AND MASSACRE—THE RE-MEETING OF THE ENGLISH PARLIAMENT—GENERAL APPREHENSIONS OF PLOTS, ETC.—RETURN OF CHARLES TO LONDON; HIS RECEPTION THERE—THE REMONSTRANCE—IMPEACHMENT OF THE BISHOPS, AND PROCEEDINGS IN REGARD TO EPISCOPACY—ACCUSATION OF THE FIVE MEMBERS—TUMULTS—PROCEEDINGS IN REGARD TO IRELAND—KING LEAVES LONDON; ARRIVES AT YORK—PREPARATIONS FOR CIVIL WAR.

WE have repeatedly remarked, that it was ever a fatal error of Charles and his advisers to impute the opposition which his measures encountered to a few leading men, who merely acted as organs for the expression of the general sentiments; and that, as a consequence of this erroneous opinion, he always flattered himself with the hope of removing the opposition, could he destroy or gain the individuals to whom he attributed the lamented controlment of his prerogative. If he thus allowed himself to be deceived in English affairs, it is not wonderful that he should have been misled in regard to Scotland—a country narrow in itself, and so aristocratic as to give a few families great ascendancy. It was from that country, however, that his illegal government had received so remarkable a check; and, though the late events in England might have taught him that the crisis there had only been hastened, not created, by the Scottish appeal to arms, he had deemed the Scottish army the grand impediment to the most desperate measures against the parliament, and, consequently, against the whole privileges of the commonwealth. He had assiduously laboured, therefore, to gain leading men in Scotland, that, with their assistance, joined

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to that of certain individuals who, as incendiaries, had been reserved for judicial procedure, he might destroy the rest, when he doubted not his ability to accomplish a complete revolution, which would also enable him to recover his lost power in the South, particularly as he was promised from Scotland the grounds of a capital prosecution against those whom he most dreaded in England. With the exception of Rothes however, whom, now a widower by the death of his wife the preceding year, an offer of a place in the bed-chamber, and the promise of a great marriage, had so won, that it is extremely probable, in spite of his professions to his old friends, a premature death alone rescued from the disgrace of apostasy,*—the Scottish commissioners had been proof against all the arts of the court.† But the king had in Montrose a fund of hope which sufficiently buoyed him up amid other disappointments. This nobleman, who had supposed himself neglected by the court, being destitute of either public or private principle, early joined the Covenanters, with the indiscriminate keenness of a man who regards politics merely as a medium of self-exaltation; and his presumptuous ambition had flattered him with the hope of standing at the head of both the civil and military affairs in the approaching struggle. But the nomination of Leslie to the chief command disappointed him in the latter; while the influence and abilities of Argyle, whose conciliatory policy at the outset had probably suggested the idea of want of decision, by soon setting him at the head of the former, likewise frustrated the hopes of Montrose in that department. His

* Clar. vol. i. p. 280; Baillie's *Lett. MS.* vol. ii. p. 1205. Baillie, in a letter to his wife, dated the 2nd of June, which, for what reason I cannot guess, the editor has not thought worthy of publication, writes that a Scotch nobleman would probably change all the court; that the king and queen begin much to affect him, and if he go on he is like to be the greatest courtier, either Scotch or

English. That he would likely take a place in the bed-chamber, and might have Lady Devonshire with £4000 sterling per annum. This was Rothes (see Printed Letter, vol. i. p. 327; see too Rothes's own letter to Warriston on the subject, 25th June, 1641; Hailes' *Col.* p. 136; Burnet's *Mem. of the Ham.* p. 184.

† Hailes' *Col.* p. 107 *et seq.*

presumptuous expectations thus blasted, he embraced the first opportunity to earn the royal favour by testifying his aptitude to betray his party; and even at Dunse-Law had, it is said, proffered his services 'to have given over the whole North to the enemy.'* At Berwick, whither he was sent to negotiate, his conversion was complete. Though he thenceforth still affected steadiness to his professions against the royal measures, he secretly corresponded with the court, and endeavoured to raise up a faction against Argyle that should, under the pretext of adhering to the Covenant, in reality subvert it. For this purpose, he had drawn a bond, or band, as it was called, for a counter association before the expedition to England, and had procured to it the signatures of no less than nineteen peers.

On the expedition to England, the committee of estates had wisely enacted that, without the consent of three at least of their number, none should, on pain of death, hold any correspondence with the court; and as Montrose, whose motions were watched, for nothing escaped the vigilance of these men, was detected in such a correspondence, he might have instantly been proceeded against capitally. But as the union, which had been so remarkably displayed by the Scots, had, in effect, been the foundation of their strength, so it would have been imprudent and hazardous, at that critical juncture, when the confidence of success was necessary to secure it, to have given any unequivocal proof of want of faith amongst themselves, and Montrose had intimated that he was not singular in maintaining such a correspondence. The matter, therefore, upon his submission, was hushed up;† but his practices continued, till he fell on a cutting, by judicial forms, or violent means, not only Argyle, who was justly deemed the most formidable man in Scotland, but Rothes, whose subsequent conduct, had he lived, would have likely acquired the royal protection; and even the Marquis

* Hailes' *Let.* p. 147.

† Burnet's *Mem. of the Hamiltons*, pp. 178, 179; Baillie, vol. i. p. 210.

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Hamilton himself, whose political, unprincipled dexterity was such, that, when he perceived the ascendancy of the popular party, and dreaded a prosecution as an incendiary, he had, notwithstanding all that had passed, acquired the countenance of the Covenanters, a favour which, however, he partly merited for procuring the release of Loudon.* But, with that, he had lost his credit at court. The correspondence which Montrose continued with the court had been long suspected, and at last was fully detected. He had returned to Scotland in May, and a messenger to him having, in consequence of secret information, been intercepted near Dunbar, the letters were discovered in the pommel of the saddle. With this detection the affair of the bond, entered into the previous year, came also to be discovered; and Montrose and some of his coadjutors were arrested and imprisoned in Edinburgh Castle. Still were his practices persisted in to ruin Argyle and the others. Montrose incited a gentleman of the name of Stewart to accuse them of an intention to depose Charles. This wicked instrument alleged against Argyle, in particular, that he had heard him say before certain men, that the opinions of lawyers and divines had been taken about the lawfulness of deposing the present king, and that, as they were agreed upon the subject, the states contemplated the measure. The allegation was unfounded, and, before Charles could leave England, the matter was investigated—when Stewart, perceiving himself clearly detected in an unfounded statement of so atrocious a nature, confessed his crime. The statutes about leasing-making had provided a capital punishment for the offence; yet as, except in the case of Balmerino, to whose condemnation they had been so iniquitously perverted, they had never been enforced, many scruples arose regarding their validity, but at last the bench pronounced them efficient, and Stewart was

* Burnet's *Memoirs*, pp. 148-171; vol. ii. p. 141. See the *Sidney Papers* regarding Hamilton, vol. ii. pp. 654, 657.
Nelson, vol. i. p. 681; Clar. vol. i. pp. 152-189; Hardwicke's *State Papers*,

sentenced to an ignominious death. It is very likely, however, that the punishment would never have been inflicted, had it not been for the pertinacious wickedness of Montrose, who privately circulated, that the confession of Stewart had been procured by the undue practices of Argyle, who had promised the convict his life, and was too sensible of the justness of the charge against himself to hazard a farther disclosure by allowing the sentence to be executed. This alarmed the whole party afresh, who saw that their own fate was involved in the accusation of their leader, and that the pardoning of the calumniator would give every advantage to Montrose. They therefore strenuously urged on the convict's fate, and he suffered the statutory punishment.*

This failure of the plot did not divert Montrose from his object. He still flattered Charles with the prospect of effectuating his purposes when witnesses should be encouraged by the royal presence to give evidence, and their adversaries be damped.† We have already spoken of the understanding with leading men in England, upon which the Scots undertook the invasion, and one part of the present plan appears to have been to collect information on that head in Scotland, which, by being apparently lately acquired, might afford the better pretext for making a few sacrifices to the manes of Strafford at the critical moment of ascendancy in the North,‡ thus removing those

* Baillie, *MS. Let.* vol. ii. p. 1208. He writes to his cousin Strang on the 16th July, 1641: 'When we came to Edinburgh we found ane very evil spirit had been stirring and much prevailing both in church and state. A wicked plot, desperate, devilish, and new, to having accused, in presence of the king and parliament, Hamilton, Argyle, Rothes, of words, at best, of highest treason, and to have proven them by suborned witnesses. The grounds of this are not yet found out; you shall hear more of it at once; but, had it succeeded, we had fallen into a woful

misery, and bloody butchery, but God strangely discovering it has made it evanish and turn much to our good.' (See also printed copy, vol. i. p. 320; Guthry's *Mem.* p. 94; Woodrow's *MSS.* V. lxxv. N. 10 *et seq.*, Advoc. Lib.; Append. to late publication of *Scots Acts for 1641*).

† Baillie's *Let.* vol. i. p. 327.

‡ If, as we are told, Strafford had got proofs of the correspondence between leading men in England and the Scots, the king must have been acquainted with them: therefore his object must have been what I have represented.

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whom the monarch most dreaded. During the late treaty, Charles had used all his influence to include in a general indemnity Traquair and others who were accused as incendiaries ; but the Scottish commissioners were inflexible, and he, after resorting to many threats and entreaties, was obliged to submit to their exemption. As, however, he still considered their safety equally necessary to his honour and success in recovering his ground, he intended to be present at their trials, that they might have the benefit of all the influence arising from his personal appearance ; and the presumptuous promises of Montrose, whose confidence in his own resources nothing could damp, flattered him with the prospect of not appearing in vain.*

Such were the views with which the king had resolved upon a journey to Scotland. But matters had taken an unfortunate turn before his arrival. Argyle, with the Marquis Hamilton, and his brother the Earl of Lanerick, personally exasperated at the late attempt against themselves, and finding by this instance that their own existence as politicians and that of Montrose were incompatible, soon detected his secret practices, as well as discovered the plot he had been engaged in, and, as they exerted themselves to accomplish his ruin, they had procured his committal, along with that of his confederates, who were called plotters or banders, on a charge of conspiracy against the state. In this way the Royalist party appeared to be entirely defeated ; the ascendancy of Argyle in parliament was unchecked ; and the measures adopted by that assembly were all calculated to diminish the power of the crown. But Charles still did not despair, and the spirit of Montrose was unsubdued. New plots were hatched by that individual, and the time consumed about the trials of the incendiaries and banders was favourable to his schemes. Having opened a fresh correspondence with his majesty through William Murray of the bed-chamber, afterwards created Earl of Dysart, he still

* Hailes' *Let.*

insisted that evidence might be procured against the Hamiltons and Argyle; 'but,' according to Clarendon, 'rather desired to have made them both away,' or, as he had also expressed it in the manuscripts, 'to kill them both,' which he frankly undertook to do; but the king, allowing that expedient (though) for his own security, advised 'that the proofs might be prepared for the parliament.'* Such is one statement of this historian, who confessedly derived his information from his royal master, whose vindication was the object of his writing; but it is in one material incorrect, and as it now turns out by the publication of a separate account prepared by him intentionally—that Montrose personally made the proposal, whereas he was at the time imprisoned, and consequently precluded from such an interview. In that other account we are told, that the king was informed by some near about him who had correspondence with Montrose, that Hamilton had betrayed him, and that he and Argyle combined together to destroy him. The statement is again contradicted by the other under the same hand, and advised that they should both be accused of high treason; that the king, afraid of the success, was against the measure, when Murray assured him that such was the feeling of the major part of the nobility, that they would join together, and that they should be no sooner accused of high treason but they should be immediately carried to prison, and then it would be no hard measure to break their factions and master their dependants. The historian, in apprising us of the king's assenting to this, no doubt adds that everyone knew that, in the case of failure in the proof, the informer, by the Scottish law, exposed himself to the punishment which conviction would have brought on the other: but the apology is contradicted by his other statements. Now let it be considered that here is a proposal of assassination deliberately made by Montrose,

* Clarendon, vol. ii. p. 17 *et seq.*, Append. B.

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and as deliberately submitted by the courtiers to the king, that the royal correspondence evinces connivance with them all who stand daily higher in the royal favour, and contrasted with the same historian's other statements, the disposition of this monarch will be, in some measure—as well as that of the good Lord Clarendon—appreciated. But the actual plot ultimately determined on seals the royal character, while the development by his apologist affords a clue to the policy in the subsequent impeachment of the six members of the English parliament. The scheme determined on against the Hamiltons and Argyle was, from its unexpected nature, denominated *the Incident*. The individuals who undertook the part of chief actors, were the Earl of Crawford, a Colonel Stewart, a Colonel Cochrane, who commanded a regiment at Musselburgh, and Lieutenant-Colonel Hume. The two Hamiltons and Argyle, sent for in the king's name to the drawing-room, were to have been there arrested as traitors, when they were to be delivered over to Crawford, who, at the head of two or three hundred men, was to have been secretly stationed in the garden attached to the palace, and prepared to hurry them to the shore in a close carriage, in waiting at the back of the garden; a boat was to have been in readiness to convey them to a frigate lying in Leith roads, without any other visible object. The frigate was to serve as a prison, till they could be brought to trial: but Crawford and his party had also undertaken to assassinate them on the slightest resistance; and indeed it would almost appear that the alternatives of stabbing and transporting them to the king's ships were regarded with equal indifference.* Thus far matters rest upon

* See the Earl of Lanerick's *Relation of the Incident* in Hardwicke's *State Papers*, vol. ii. p. 299. See the evidence in Balfour's *Diurnal*, M.S. Adv. Lib.; *The Truth of the Proceedings in Scotland concerning the Discovery of the late Conspiracy*, printed, 1641; Laing's *Hist.* vol. i.

note. But, while I conceive that this author has clearly made out the real existence of a plot, I consider that his hypothesis about the alleged forged letter by Saville is unfounded. Burnet, as the nephew of Warriston, is entitled to notice, when he says that Warriston was pressed to give

evidence, which no unprejudiced mind can refuse credit to; but the general understanding, though not so well established, went much farther, and seems, from the whole complexion of the case, to be extremely probable: that Cochrane was to march at the head of his regiment to secure Edinburgh, and, with the assistance of friends there, make fast, or kill, if necessary, that is, if they resisted, 'so many of the parliament men as were suspected might have been ready for the prisoner's relief:' that means for liberating Montrose and his fellow-prisoners, and giving them command of the castle, were also devised; that the Kers, Humes, Johnstons, and other borderers, were instantly to take arms: and that the troops stationed at Berwick were to co-operate with them.* Such a plot promised to put Scotland within the king's power. Parliament, deprived of its leaders, and under military force, would have become an instrument in his hands, since, though the majority deserted an assembly in which the freedom of debate and vote were alike proscribed, some few would have been found to give the appearance of a constitutional meeting; the Hamiltons, Argyle, and other obnoxious individuals, if they escaped assassination, would have been convicted on suborned testimony, provided by Montrose: the monarch would have been set at the head of an army, and, in this critical moment, would have impeached leading men in England, which was clearly part of his scheme, while, under the pretext of tumults purposely raised, he would have returned to that kingdom, attended by a military force, in order to insure their condemnation, and compel the parliament to comply

up the letter; but uncles do not always tell their young nephews everything, and Burnet does not say that he derived his knowledge from the first authority. Again, with a knowledge of the existence of that letter, Charles must have learned that it was forged, and, consequently, must have known that the fact could be proved, so that it could injure none

but Saville, who was now in favour. Mr. Laing thinks that Stewart's accusation was defeated; but that is contrary to the assertion of Montrose's party, that he had been tampered with to accuse himself unjustly, and Argyle could not be charged on another ground.

* Baillie, vol. i. pp. 330, 331.

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with his demands. Such were the designs apparently contemplated; and it is not a little singular that he had been earnestly writing to have money raised upon a large collar of rubies, which had for that purpose been sent to Holland.*

Intelligence of this detestable plot reached the Hamiltons and Argyle as it was on the eve of completion. Captain Stewart, whose character had been mistaken, having been applied to as an agent by the colonel of that name, apprised Lieutenant-colonel Hurry of the design. Hurry immediately communicated his information to General Leslie, and he to the objects of the plot, having carried Hurry with him to tell his own story. Their inquiries of Captain Stewart and others having convinced them of its truth, they instantly secured their houses against surprise for the night, and next morning wrote to the king, intimating their reasons for having absented themselves from court on the preceding evening. His majesty's conduct that afternoon confirmed their and the people's worst apprehensions. He went to the parliament in his coach, followed by five or six hundred soldiers, and other attendants, 'with their arms in a menacing way, amongst whom were all those that were cited to the parliament, and likewise those that were accused by Hurry and Stewart to have been of the plot.' We are not informed of the pretext on which Charles adopted this extraordinary step; but it would be difficult to figure any which could justify the measure, or satisfy any unprejudiced mind that he had not harboured some black design. The friends of the Hamiltons and Argyle might have assembled in such numbers as to have afforded them protection, and they insisted on attending them; but as this could not have failed to give rise to tumults, and possibly to bloodshed, which would again probably have afforded the monarch a pretext for new measures against

* Appendix to Evelyn's *Memo-
rials*, vol. ii. 'Correspondence between

King Charles I. and Sir Ed. Nicho-
las,' p. 19 *et seq.*

the public peace (indeed, it would have been little short of a fresh commencement of hostilities), they prudently and properly retired to Kenneil, the seat of the Hamiltons' mother, about twelve miles from town, then to Hamilton, and lastly to Glasgow, till affairs were restored to such a state as could warrant their quiet return.*

Edinburgh was in a state of the utmost alarm. The citizens kept a strong guard, and many of the well-affected noblemen wisely set a watch upon their houses, while the estates were so offended, that they insisted on a very absolute commission being granted to Leslie, to guard the parliament with all the city bands, and the regiments yet on foot, together with some troops of horse. Having got his warrant, the old general lost not a moment in making the requisite arrangements, prudently including in these the precaution of dismissing all the officers of Cochrane's regiment, and appointing others whom he could better depend upon. Crawford, Cochrane, and the rest, were also apprehended.†

Charles, alleging that the whole plot was a mere fabrication, professed to detest all such base treacheries, and, complaining of the injury done him by the flight of the Hamiltons and Argyle, insisted that they should be sequestered from parliament till the matter were investigated, and his innocence established by a public inquiry.

The parliament, which clearly saw the influence that the king's presence might have at such a juncture, and the probable effect of the publication of disjointed parts of the evidence, determined to follow a different course, and therefore appointed a secret committee to investigate the whole affair, and report the result. Charles threatened 'to raise or leave the parliament in confusion, if they would not yield to his demand of a public trial; but herein he had a hard enough rencounter; for a very strange declaration was drawn up, and had passed the

* *Lanerick's Relation* ; Baillie, vol. i. pp. 331, 332.

† Baillie, vol. i. pp. 331, 332 ; Spalding, vol. i. p. 327.

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committee of barons and burroughs, which so moved his majesty and his cabin council, that without farther delay they yielded to the trial of a private committee, whereat the king should not be present, and all the members should be sworn to secrecy till the trial was ended.' We have already related the facts which were then brought out.*

We shall have afterwards occasion to narrate what occurred in England about the same period, and the effects there of the Scottish *Incident*; but, in the meantime, and before specifying the proceedings of the Scottish parliament, and the nature of the settlement with it, it will be necessary to give a concise account of the Irish rebellion and massacre, which broke out on the twelfth day after the *Incident*.

In passing we must remark, that the scheme of an insurrection for the purpose of acquiring the dominion, must be contra-distinguished from the measure which, in the progress of events, accompanied the rising. The chief of the Irish conspirators did not contemplate a massacre, and were horrified at such an unanticipated result. If, as we shall endeavour to show, Charles was accessory to the insurrection, it yet was clearly without the other as the issue. Assuming his connection with the plot for a rising to obtain command of the island, and afford him an army against England, we shall see how admirably the *Incident* and it were calculated to co-operate in his favour. Had the *Incident* succeeded to his hopes, Scotland had been in his power, a military force against the sister country at his command, before the English parliament had reassembled after the recess. England would have been in a state of consternation, the king's supporters in a bustle to embody troops. Assembled on the 20th, or on the ninth day after the event in Scotland, parlia-

* Baillie, vol. i. p. 331. See 'Correspondence between Charles and Secretary Nicholas,' at this time, in

the Appendix to Evelyn's *Memorials*; Woodrow MSS. lxv. No. 6.

ment would have been unable to devise measures for the common security, when tidings of the insurrection in Ireland, concerted to occur on the 23rd, or the third day after the reassembling of the English parliament, would have inspired absolute despair in the supporters of freedom, while it acted as an additional stimulus upon their enemies.

As we have, in Vol. I. Chap. I., drawn a picture of the state of Ireland at the commencement of this reign, there will be the less occasion for interrupting the narrative here with any detailed account of the posture of affairs at this period. Ireland had, during the last forty years, apparently made rapid advances; but, from the nature of things, the progress had necessarily, in spite of misgovernment, proceeded with accelerated motion in the latter portion of that time. Those immense tracts of country which had been disposed of by Elizabeth and her successor, in plantations to English and Scots, and which had, under the natives, lain almost in a state of nature, had, by judicious management on the part of the settlers, been brought into such a state of cultivation, as to yield a large return, and many of the natives who had obtained from the crown titles to lands, upon the condition of managing them in the English mode, had made considerable improvements; towns had been built; the English jurisprudence (or something approaching to it) and customs had been substituted through the island for the native barbarous usages and institutions, and the whole began to wear an aspect of prosperity. The native chiefs tried to imitate the manners of their invaders, and some intercourse of society seemed to soften the mutual prejudices. There were even chiefs who preferred British to Irish tenants, and, dispossessing their countrymen, sent them to perish on their native mountains—a proceeding which, such is the selfishness of man, was approved of by the invaders as indicative of a spirit of improvement, but which necessarily embittered those sufferings that them-

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selves were doomed in turn to feel. On the other hand, many of the new English settlers let their grounds to the natives. Some of the higher ranks too, in spite of their religion, practised at the bar, sat on the bench of justices, and were admitted as well into parliament.*

What to the English appeared so flattering a posture of things, was viewed very differently by the Irish: while their pride and prejudices were shocked by subjection to a foreign state, they saw themselves despoiled of their country by conquering invaders, amongst whom were distributed those lands to which they conceived their claim undoubted, and which the loss of necessarily brought misery, if not a wretched death to thousands. The old English settlers, or English of the Pale, whose long possession had, in a measure, obscured its origin, and whose manners had degenerated in many respects into those of the natives, might be endured; but great were the heart-burnings at the late plantations. This was aggravated by the insecurity of their tenures in regard to what they retained. No length of possession afforded a right; every flaw in the patent was fastened on to annul the legal grants.† The late Earl of Strafford had carried his proceedings in regard to property to the most unjustifiable lengths, and no man could predict where the commissions for defective titles would end. It is true, that many of the British settlers, as the Scots, had felt his power and injustice; yet the natives could not but observe that, ultimately, every proceeding of that kind would fall most severely upon them, whose manners were unfavourable to the projected improvements, and who had neither the same access to the English court, nor money to purchase an exemption from injustice. The height of the evil may be conceived, from the circumstance of four of the counties of Connaught having lately been found by packed inquests to belong to the crown;

* Temple's *History of the Rebellion*.

† Carte's *Life of Ormonde*, vol. i. p. 26 *et seq.*

and from extensive territories in Munster and Clare being in the same predicament.

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The Irish, who had in an eminent degree the national pride, with all the feelings and prejudices of a people attached to their country, regarded the British settlers with contempt, as upstart adventurers, as well as with abhorrence as invaders; and humiliating indeed must it have been to their feelings, to perceive that the title on which they could expect intercourse with these strangers—an intercourse that was requisite for the preservation of their lands—was the adoption of their manners and language, whereby they appeared in the character of ungraceful imitators and inferiors. Nor could they be strangers to the feelings of contempt on the part of the British, who considered them as little else than barbarians, whom, if they could not reclaim, they might lawfully extirpate.

To these sources of irritation was superadded religion. The natives were Catholics of the fiercest description, both because they were ignorant, and because their religion was associated with the many other embittered feelings ever kept alive by the cunning instigations of their priests. Those, educated in Italy and Spain, returned to their native country with all the impressions, not only of their brethren abroad and the pope, to encourage their flocks to assert the independence of their country, by which the clergy would recover their livings, the pope his supremacy; but even of foreign potentates, who used them to stir up dissension and embroil British affairs. The innovations of Laud, and the interest they excited, added fuel to the flame, by the anticipated prospect of a return into the Catholic church; while, by disgusting the Protestants, as approximating to the Romish tenets, they kindled in them a fresh flame against the religion of the natives, and thus widened the breach.

Under such circumstances, the only chance of gradually reconciling the natives to the government, must have

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been founded in a conviction of the impracticability of shaking off the British yoke; for, so long as they conceived the possibility of recovering their independence and territory, it could scarcely be expected that they would not harbour the design. It had therefore been judicious policy in Elizabeth, not only never to employ them as soldiers, but, though some of her servants acted against the principle, to deny them liberty to enlist into the service of foreign states. James, however, conceiving that their entering into foreign service was a means of ridding the country of part of the superfluous population, had, unfortunately, departed from that precaution;* and as regiments under their own leaders went into the Spanish service, they were, with all the advantages of military discipline, prepared to return to their native country whenever it suited the interest of the house of Austria to disturb the British government. But Charles went infinitely farther. Not only did he allow such levies; but, even in despite of Strafford's remonstrances, had, with the view of employing the force against Scotland, granted a commission to the Earl of Antrim to raise an army of native Irish, from amongst those who had ever been prone to rebellion: even the new army which Strafford himself had levied for that service were chiefly Catholics, a circumstance which in effect transferred the sword to that body, while the severe restrictions upon saltpetre and gunpowder disarmed the Protestants.†

* Carte's *Life of Ormonde*, vol. i. p. 46.

† Carte tells us that, in order that the newly raised Catholic army might be under a complete control, a thousand of the old army, amongst whom there was not a single Papist, were incorporated with them: that the privates of the old army were appointed non-commissioned officers; that there was not one Popish officer in the army; and that instead of 8000 there were only 7000 newly raised foot. Carte likewise alleges

that none of the officers joined the rebellion; but this also appeared to be unfounded. The utmost that Borlase ventures to say is, 'Certain it is, that most of these soldiers, thus raised, betook themselves to the rebels' party; although very few of their officers, if we may credit a late historian, were polluted with the crime.' (Borlase, p. 9; *The Protestants' Answer to the Rebels' Remonstrance*, in Rush. vol. iv. p. 391.) Yet Mr. Hume, without quoting any authority, for he was probably

The Irish officers on foreign service had long entertained a correspondence with leading natives at home, about expelling the English, and had received encouragement to attempt it from both France and Spain. The last Earl of Tyrone, who held the rank of colonel in the Spanish service, and who naturally desired the recovery of his great possessions, was the chief in all these schemes ; but his death gave affairs a new direction. Sir Phelim O'Neil, the head of the sept, was then regarded as the representative of the Tyrone family, and his slender abilities, though cultivated by an education in the Inns of Court, did not promise great success in his undertakings ; but possibly his presumptuous rashness, which did not weigh consequences, proved in the sequel no less important, perhaps more so, than higher qualities.* Still this disposition to revolt, with the incitements of a cunning priesthood, and of foreign states, might either not have burst into action, or would have been easily repressed, had it not been for the critical posture of affairs at home.

The government of Strafford had roused general discontent equally in Protestants and Catholics. He offended great men by his haughtiness and illegal measures to reduce their power ; while his policy was no less revolting to the low ranks, whose habits he despised, and happiness he disregarded, provided they either opposed his own selfish views or his notions of improvement ; and his

ashamed to quote Carte, whom he abuses, though he borrows from him plentifully, makes the same statement.

With regard to Charles's anxiety to raise a Popish army from the wildest portion of the natives, where rebellion had been the most common, see *Straff. Let. and Disp.* vol. ii. pp. 296, 297. Strafford says in one letter, that Antrim told him ' he had, upon receipt of his majesty's letter, sent to the O'Haras, the O'Lurgans, (if I mistake not the name) the MacGennises, the M'Guyres, the M'Mahons, the M'Donnels, (as many

O's and Macs as would startle a whole council-board on this side to hear of,) and all his other friends, requiring them, in his majesty's name, to meet him with their forces, so as this business is now become no secret, but the common discourse both of his lordship and the whole kingdom (p. 300 ; *Let. to Secretary Windebanke*, 20th March, 1638-9 ; see Antrim's *Propositions*, p. 305 ; see p. 319, 322 *et seq.*).

* Temple, pp. 32, 76, 116, 121 ; Nelson, vol. ii. p. 543 ; Lord M'Guire's *Relation* ; Carte's *Ormonde*, vol. i. p. 158.

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designs necessarily fell with most afflicting distress upon the natives, whose barbarity rendered them incapable of adopting his plans. The ecclesiastical government introduced by him at the instance of Laud, disgusted the Protestants by its approach to Catholicism, and thus augmented their dislike to their Popish neighbours, without gaining the Romish party—whose clergy perceived themselves still hopelessly excluded from all participation in church livings. The flame raised about religion in Scotland, and which had extended to England, with the successful vindication of their rights and establishment of their ecclesiastical government, by the first kingdom, naturally kindled a fresh desire in the Irish to assert their faith: the Popish army raised against Scotland, and the royal distrust of Protestants, inspired them with confidence in their own strength; while the general clamour about Popery and the religion of the queen, with the avowed principles of leading men in England, together with the employment of Papists, convinced them that their creed should not meet with great objections from the throne. The threat of Strafford not to leave a Scot in Ireland was a lesson to the natives to extend the act of expulsion.

Strafford, on his impeachment, wished the government of Ireland to be devolved upon his friend the Earl of Ormond as his deputy, for he still held the office of lord lieutenant; but the Irish Committee resisted his nomination, and the king granted a commission to Lord Dillon, of Kilkenny west, the brother-in-law and creature of Strafford, and to Sir William Parsons, master of the wards in Ireland, as lords justices. The first, however, was, for similar reasons, objected to by the Irish Committee; and Sir John Borlase, master of the ordnance, was appointed in his stead. These were both esteemed men of great integrity, and the first was much valued for his particular knowledge of the kingdom, as well as beloved amongst the people. These individuals entered upon office on the 9th of February, and as the Earl of Leicester, though

appointed lord lieutenant, never discharged the duty—they continued at the head of affairs till the rebellion broke out.* Their constitutional government with the wise measures of the council and parliament, promised to be accompanied with lasting benefits. The various humours which had arisen from the former administration, they endeavoured, by gentle lenitives, to mollify. All proceedings against law they at once declared themselves opposed to. The usurpation of the council in arrogating the decision of points, fit only for the cognisance of judicial courts, they repressed. They made enactments likewise against monopolies, and other grievances, while, with the royal consent, they abated from 40,000*l.* to 12,000*l.* each the subsidies extorted by Strafford. But there were still two acts of far greater importance prepared in addition to these. The one, called the act of limitations, indisputably settled all estates of land in the kingdom, upon those whose right of property had not been questioned for sixty years—an act that had been denied under the administration of Strafford, but which was absolutely requisite in the peculiar situation of things: the other declared the relinquishment of his majesty's right, as found by inquests, to four of the counties of Connaught, together with the extensive territories in Munster, including the county of Clare; all which it had been determined on disposing of amongst British undertakers. The Romish party, too, in spite of the artful infusions from the British side of the water, that the Puritans meant to insist upon all indulgence to their worship being withdrawn, were treated with great liberality. The whole complexion of affairs, therefore, indicated future good government and great prosperity.†

* Sir J. Temple's *Hist. of the Rebellion*, pp. 23, 24; Carte's *Ormonde*, vol. i. p. 116.

† Temple, p. 24 *et seq.*; Borlase, p. 6; Carte's *Ormonde*, vol. i. p. 144 *et seq.* One would think that a with-

drawing of the usurped power of the council-board, to judge in all cases, real and personal, the restriction on monopolies, putting down the High Commission, &c., could be liable to no objection, yet Mr. Hume, after Mr.

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The activity of the Irish promoters of rebellion had, in the extraordinary confluence of their clergy out of foreign parts, with the return of officers in the Spanish service, under the pretence of asking leave to raise soldiers for Spain, been observed by the English government, and together with some secret intimations of a projected rebellion, had induced Charles, in March, to desire Secretary Vane to warn the lords justices to watch the proceedings of the natives;* but such was the profound dissimulation of that body of men, that no conspiracy could be traced.† In the meantime, the king's own conduct ministered alarm. As the lately raised Popish army of 8000 foot and 1000 horse was no longer necessary for the service for which alone it had been levied, nor had become requisite for Ireland by new occurrences, it was naturally to have been expected, that not a day would have been lost in disbanding it, both for the purpose of saving money in the present exigencies of state, and preventing the soldiers from acquiring habits dangerous to the public safety. Yet the preservation of that military body as a pretended counterpoise to that of the Scots was, as we have seen, one of the objects of the army-plot. If it were dangerous to levy a Popish army against the civil and religious liberties of Britain, it was still more so to evince that such a military force was regarded by the

Carte, calls these, with the restraint on martial law, and the like, which, in fact substituted the will of the princes for the constitutional law of the land—an invasion of every order or institution which depended on monarchy—a despoiling of the prince without the least pretext of any violence or illegality in his administration. Was not the court of High Commission, which had been erected in the 11th of this reign, without any legislative authority, illegal? It was an inquisition under Elizabeth, though erected by law, and subject to the control of the ordinary courts! Was not the usurped au-

thority of the council illegal? Were not acts of state, and proclamations in the place of law, illegal? They were all so, according to his account, under the Tudors. But I presume that he here uses the words violence and illegal in a sense peculiar to himself; for if martial law do not include violence, and the various acts of Strafford were not violent, as well as illegal, I do not know the meaning of the words.

* See Letter in Clarendon's *State Papers*, vol. i. p. 134, taken from the original draught.

† Borlase, p. 8.

court as the main security of the prerogative; and the intrigues of conspirators daily increased, while the Catholic body, in general, appear to have displayed greater confidence in their own strength. In parliament they were numerous, and the lawyers there, under the pretext of vindicating the general privileges, and asserting the law in cases with the crown, began to lay down, what soon turned out to be, the most pernicious principles—as ‘that being killed in rebellion, though found by matter of record, would give the king no forfeiture of estates;’ and that, ‘though many stood up in arms in a kingdom, working all manner of destruction, yet that if they professed not to rise against the king, that it was no rebellion.’ *

When, from the detection of the army-plot and other circumstances, the evasions about disbanding the Irish army could no longer be listened to, Charles proposed to enter into an agreement with France and Spain for transferring the troops, with part of the English also, to their service. As, however, the first was accused at the very moment, and on good ground, of a purpose to assist the English king with military aid against his subjects, the parliament would have disregarded all the ordinary rules of policy and common sense, had they acceded to any proposal from that quarter; and it must appear strange to every reflecting mind, that the same king who, not many weeks before, had himself apprehended such danger from levying troops under the pretext of raising them for Spain, should now himself propose a measure which necessarily gave full operation to the desperate spirit he so justly dreaded. Of the officers who had returned from foreign service, and now were active in listing the troops under the pretext of carrying them abroad, many were the most active leaders in the ensuing rebellion; and they undertook this levy with no other view than to turn the army against the government.

* Temple, p. 132.

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- But the English parliament opposed this transaction, and, to a certain extent, Charles was obliged to acquiesce: the warrants to colonels were withdrawn; and it is singular that, even of these colonels, several proved the most active rebels, having been amongst those who had engaged in the business merely to promote the projected insurrection. Still the king granted licences to four of these colonels to engage four thousand for Spain; and it is remarkable that, even of these four, one was amongst the most forward in the rebellion, while the other three, instead of returning to the foreign service they had left, remained to join the king against the parliament. The royal object was opposed even in regard to these four thousand; but Charles alleged that he stood pledged to the Spanish ambassador, and, while some of the troops were shipped, they were artfully detained by the conspirators to join their countrymen in arms.*

The English parliament has been deeply censured for opposing the negotiation with France and Spain, to transfer the Irish Popish army to those countries: but as Charles had so unaccountably kept up this army, and had himself plotted with the officers of the English army to prevent its dissolution, men were justified in presuming that this might be used as a mere pretext to preserve it till the Scottish army were disbanded. Even the transportation of those troops afforded no security, since they might be brought back at any seasonable juncture after they had, by foreign discipline, together with the habits of war, become more calculated for the royal purposes. The intrigues with France and Spain in the preceding year, for both military and pecuniary aid, could not be unknown, and it is ever safe to conclude that what a man

* Carte's *Ormonde*, vol. i. pp. 133, 134, 135. Colonel R. Plunket was one of the colonels who originally obtained a licence, and there was not a more active rebel. Gart. Barry was one of the four mentioned

in the text (see p. 157; Borlase, p. 9). It is singular that Carte, while he states the facts given in the text, inconsistently condemns the English parliament for opposing the transaction (Temple, p. 123).

has been detected in he may repeat. But the objection to France becomes infinitely stronger when we consider that she was at this moment accused, on apparently just grounds, of a design to send forces into England to co-operate with the king against the parliament. The dangers from Spain were likewise imminent; and it should not be forgotten that she had always been deemed a hostile power; that the late revolt of Portugal from her had been regarded by the British as an auspicious event; and that she was condemned at this very moment for concurring with the other branches of the house of Austria in withholding the palatinate from the English king's nephew, in whose behalf Charles was at the time applying to the parliament, having sent with their approbation a threatening manifesto to the diet at Ratisbon. Surely, therefore, as at the best any supply of military must have enabled Spain to carry through her designs, which equally involved the recovery of Portugal and the detention of the Palatinate, it would have been the most inconsistent policy to have accommodated her, though no dark measures from the cabinet at home had been apprehended. In addition to this, it may be observed, that, in the event of hostilities between the respective kingdoms, Spain could give the utmost annoyance to the British empire by pouring into Ireland a body of men whose acquaintance with every creek and haven, and correspondence with their discontented countrymen at home, encouraged by their clergy, rendered them incalculably the most dangerous of all invading enemies.*

Independently of all these obvious motives, it is evident that foreign service was just a seminary for Irishmen to accomplish themselves for rebellion; and that part of the mass of this army must at some period or other have returned upon their country. On the other hand, the

* See *Journals*, 8th September, 1641; *Diurnal Occurrences*, p. 357; *Speech* on the 28th August; *King's*

Manifesto, with Speeches relative to the Parliament; *Cob. Parl. Hist.* p. 856 *et seq.*

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army had not been so long embodied, though much longer than any colour could be given for, but that they might be restored to the mass of society, and the approach of harvest promised them employment in the first instance.* But the most conclusive argument for the dissolution of that army is the actual fact, that the officers who pretended to engage the troops for foreign service, undertook the business with the view of detaining them in the country to act in the projected rebellion.

The Popish army was in a great measure disbanded in June, and completely by August, when the arms were piled up in Dublin Castle : † but it was imagined that the castle might be surprised, and the troops re-armed, as well as plentifully supplied with ammunition, while arms would farther be procured for several thousands more. No plan could have been better laid. The Protestant army, which was always necessarily kept on foot, scarcely exceeded 3000, and were distributed in small bodies through various and remote parts of the island. The officers of the nine thousand of the disbanded troops were equally disaffected with the men, and therefore an organised army, that more than trebled the Protestant army, which again was too much scattered to have been of essential service, would at once have been in arms independently of the irregular thousands that were to be summoned into action, and were to surprise the other forts on the same day with the capture of Dublin Castle ;

* Rudyard's *Speech*, &c.

† Carte, in his *Life of Ormonde*, (vol. i. p. 134) says that the army was all dissolved by the middle of June ; but he gives no authority for the statement at the foot of the page. There are, however, letters from Ormond to Vane, and from Vane to Ormond, published by him in the third volume, which import that the disbanding had been effected in June ; but I suspect that a part only had then been disbanded, and arrangements made for the rest, and that the

matter had on that account been considered as done ; for the idea of the complete dissolution of the army in June is contradicted not only by other authorities (see Borlase, p. 10), but by the nature of things, since it was in September that the Commons of England passed votes against allowing them to be sent to Spain ; a clear proof that, though disarmed, they were still kept together (see *Correspondence between Charles I. and Secretary Nicholas*, p. 4 et seq.).

while the British forces must be again embodied, a work of time, in order to be sent against them. But the season was well selected on another ground. At the breaking out of the rebellion the Irish exchequer was empty, and the money levied by the collectors was in their custody ready to be paid in, while the rents throughout the kingdom were now in the possession of the tenants, to be paid at the approaching term. The rebels therefore flattered themselves with the hope of securing the whole of their treasure, and thus abundantly supplying themselves with the means of supporting the war in the outset. But they also expected assistance from Spain, the Pope, and even France; and the Irish officers in foreign service concerted to return with as many of their men as possible, together with arms for more, whenever the insurrection commenced. On the other hand, they were sufficiently aware of the defenceless state of the Protestant part of the community, owing to the policy of Strafford in regard to gunpowder.*

One of the most active conspirators was Roger Moore, a man of narrow fortune but high descent, and who valued himself exceedingly on his birth, attributing with justice the smallness of the family inheritance to the English invasion. He is said to have united many advantages of person to high talents and consummate address; to have entered upon the undertaking rather with the generous ambition of vindicating what he conceived to be the liberties of his country, than with views of self-aggrandisement; and never to have once contemplated the detestable enormities that stained the cause. It is said that when he beheld so woful a tragedy, which he found it impossible to check, his spirit sank under it. He, from his station in life, acted in a subordinate capacity to Sir Phelim O'Neil, but from his talents, enterprise, and address, he was virtually the main-spring of the con-

Roger
Moore.

* Temple, p. 46.

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Whether
the king
encouraged
the insur-
rection?

spiracy; and it was he who first undertook to bring over the old English of the Pale.*

Of the committee from the Irish parliament, the majority were Papists, and it is alleged that they were amongst the most active promoters of rebellion. But it can scarcely be credited, that the king and queen while caballing with officers of the British army, in regard to the Irish army, and with Montrose and others, as particularly evinced in the army-plot and the Incident, should entirely neglect the Irish commissioners, and they are accordingly both accused, on strong presumptions, of having intrigued also with them. The violence with which this question has been viewed on both sides, has arisen from the execrable massacre which ensued; but though we were to assume that he incited some of the conspirators to attempt their pre-conceived scheme of an insurrection, it by no means followed that he contemplated the horrid massacre which accompanied it. In order to estimate the presumptions for and against the idea of his being accessory to the insurrection, it is necessary to have a correct view of the real posture of affairs at the juncture, as well as of the royal intentions as to the sacrifice in regard to power which had been already made in Scotland, and which was ready to be demanded of him in England. The grand points on which he formally split with the English parliament, and ever refused accommodation, were the abolishment of episcopacy, and the surrender of his power over the militia by sea and land. The first had been so hotly pursued by the parliament, backed by the city, that, as we learn from Clarendon, Charles himself grounded his hope of obstructing it on the dexterity of such as the noble historian himself in protracting measures till the royal departure for Scotland; the other had, in consequence of the projects for turning the military against the two Houses, been assumed

* Carte's *Ormonde*, vol. i, p. 156.

by them, which, as the king had early suspected, would be the result of the concession on this head in Scotland, and counsels were in agitation to vest the power permanently in the parliament. The Scots had a pretext for their demand, as to the militia and civil offices, and Charles an excuse for granting it, in the residence of their sovereign in a foreign country, and the probability of his being misled by those foreign counsels regarding the interests of Scotland, as well as in the ancient practice of his native country; in respect, also, to the Presbyterian system of church government, they could plead the established law of that kingdom. But, while he knew how to avail himself of this apology for making concessions to the Scots, which he was determined not to grant to the English, he, in the Incident, afforded a melancholy proof of his purpose to take the first opportunity to retract his concessions, and overwhelm, by military force, as well as by stratagem against their leaders, the great body of the people who had the spirit to demand them: the treachery of the Incident, too, was the more odious from the profound dissimulation with which the monarch had conducted himself. It had just been remarked by a courtier, that Henderson, the Presbyterian pastor, had become a greater favourite than ever Canterbury was, and was never from him night or day.*

In these plots, as well as in his anxious endeavour to keep up the lately raised Irish army, and his last attempt to debauch the English troops, we have the most incontestable evidence of his intention to crush the parliaments of both kingdoms by force; and therefore a conclusive answer to Mr. Hume's argument against his being concerned in the Irish insurrection—founded on his not having intended to make war upon the parliament. While, as we have said, he had now the very same motive for hostilities that he ever had afterwards—and which, in spite of

* Carte's *Original Letters*, vol. i. letter is addressed to the Earl of p. 14, date 25th September. The Ormond.

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his most solemn protestations to the contrary, accompanied with appeals to heaven for his sincerity, led to many intrigues for the introduction of foreign troops, as well as secret treaties with those very Irish for an army, after they were stained with every enormity, and consequently must have been expected to act over again in Britain the scenes of inexpressibly brutal cruelty which had been displayed in Ireland. Now that, amid all the late plots and intrigues, the Irish committee, of whom the majority were Catholics, and became eminent in the rebellion, should ~~never~~ have been applied to, is inconceivable; and the presumption arising out of the nature of things is confirmed by testimony and authority which there is no reason to doubt.* But in order to understand this subject, it is necessary to attend to the progress of events, and to ascertain what were the views of the Popish members of the Irish committee, who were from the old English of the Pale.

It will be remembered that the committee came over to assist in the prosecution of Strafford, whose trial began on the 22nd of March, and for whose life neither Charles nor himself was then apprehensive. The committee, as they had every reason, pursued him keenly; and indeed matters had arrived at that crisis, that their safety and his return to Ireland as lieutenant, were incompatible. It was the interest of Strafford, and the purpose of his master, to preserve the Irish army for future services in England, and the plot with the English army, with hopes from France, promised to restore the powers with which Charles was resolved not to part without a struggle. At this time, however, the native Irish, unknown, as it would appear, to the old English of the Pale, were secretly concerting an insurrection for the purpose of expelling the invaders. Strafford had formerly got notice of their mo-

* Rush. vol. v. p. 346 *et seq.*;
Scott's *Somers' Tracts*, vol. v. p. 573
et seq.; Antrim's Information in Ap-

pendix to Clarendon's *History of the
Irish Rebellion*.

tions, and had adopted precautions to quell them.* The late resort of old soldiers and priests out of foreign parts awakened afresh the suspicion of the English government, which doubtless had been previously excited by the lieutenant; and in the posture of things, at that time, nothing could be more baneful to the interests of the monarch and his devoted minister than a rebellion. Whether the Irish Popish army joined the insurgents, which it most probably would, or were employed against them, or were disbanded or sent out of the country, as would have been insisted on for the common security, if it did not join the insurgents, it would have been in all these cases lost to the crown, whose distresses would have been augmented: the English army would have, in all probability, been dispatched to Ireland; and then the Scots, who would not have moved, would have been masters of England in conjunction with the parliament, while the latter would have been enabled to insist on the power over the English army being devolved upon them. Hence, as well as, it must be presumed, from better motives, Charles directed Secretary Vane, on the 16th of March, that is, before the commencement of Strafford's trial, to warn the lords justices of the danger. But the aspect of affairs was afterwards completely changed, and the policy of Charles changed with it. As it had been deemed by such a favourite minister as Strafford a grand stroke of policy to have four of the counties of Connaught and other territory found by inquests for the crown, we may well conclude that his master would not easily be brought to relinquish an object which had been with such difficulty gained:† and in this conclusion we are further warranted by what occurred in regard to the city of London's plantation. By an iniquitous decree of the Star Chamber, that had been adjudged to be forfeited to the crown, and the resentment of the city, which Charles ought to have conciliated, was deep: yet, when

* Carte's *Ormonds*, vol. i. p. 155.

† Straff. *Let. and Disp.* vol. ii. p. 366; Rush. vol. v. p. 348.

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the Commons had voted the decree null, Charles eagerly wrote to his secretary from Scotland to raise a party in the Upper House to prevent a similar vote there.* But his policy towards the Irish was so very opposite, that he assured their committee that he would at once renounce his right to those counties and other territory, confirm defective titles, as well as yield in other points (concessions called the graces, which their parliament had been so anxious to attain); and there is reason to believe that his anxiety about Londonderry arose from his intention to bestow the land upon that people. On the other hand, the Popish party in the Irish parliament, whose views were no doubt represented to the throne, were eager for keeping up the late army, and now began to use language hostile to the Puritan party in England, with whom they had previously co-operated against the prerogative, while they aimed at conclusions which induced the Protestant party, with the lords justices, to resolve upon an adjournment.

The insurrection had been originally conceived by the native Irish; but there are both presumptions and direct evidence, that the lords of the Pale (particularly Lord Gormanstown, who had been one of the committee, who is said to have had secret interviews with the queen, and was afterwards a leading man in the rebellion) were made privy to the design in the course of the summer, and the commissioners, who returned in August, are alleged to have fomented the spirit of insurrection.† But the views

* App. to Evelyn's *Memoirs*, 'Correspondence between King Charles I. and Secretary Nicholas.' The secretary writes thus, on the 28th of August, 'The sentence whereby Londonderry was adjudged forfeited to your majesty, is by the House of Commons declared null, and that land thought fit to be restored backe to the city of London.' Charles returned the letter with marginal remarks and directions, called in the

language of statesmen *apostiles*; and this is the apostile on the above paragraph:—'You must command my learned councill, in my name, that they doe what they may, that the same vote passe not the higher house' (p. 12). Yet his anxiety to gain the city appears by the same correspondence (see p. 13).

† See Borlase, p. 13. No one who, without prejudice, peruses the whole evidence, including the original cor-

of the latter appear to have been more moderate than those of the first ; and it is not only probable that the idea of exterminating the late settlers never was hinted to the latter, but that the latter hoped to have acquired the direction of their more ferocious associates. Indeed, Roger Moore, who is represented as having been so active in drawing in the lords and gentry of the Pale, was himself utterly shocked at the barbarities which ensued. The demands of the Irish Catholics, as they were afterwards fully expressed, were that, in addition to the graces already alluded to, they should have the complete independence of their parliament from that of England conceded to them, and that their parliaments should be allowed to elect agents, with power to remove them, who were to attend his majesty continually as a body authorised to represent the national grievances; that they should have a free trade, and the establishment of their religion, which implied that the ecclesiastical livings should be devolved upon their own clergy, and all the degrading disqualifications under which their party laboured, be annulled ; that all the civil and military offices should be confined to their countrymen ; and that they should have a right to keep up trained bands for their own security. Whatever might be alleged by the Protestants against these concessions, there does not appear in them any great ground of objection ; and it was well pleaded by the Irish, the bulk of whom were Papists, that they were fully as much entitled to them as the Scots to the concessions in their favour.* Had Charles merely intended to yield to such demands, in order to conciliate that people, the impartial voice of history at this distance of time could not condemn him. And it is rather singular that, while his introduction of the Irish into Britain afterwards, though their atrocities had become so revolting,

respondence published by Carte himself, and attends to all facts, can doubt this, in spite of the arrogant assertions of Carte, who talks as

confidently as if he had been personally acquainted with every movement.

* Borlase, p. 46.

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should have been approved of by certain historians, his concessions in regard to religion should have been, in the face of the clearest evidence, strenuously denied. The object has been to represent him as a martyr for the Church of England; but we have seen that, in the outset of his life, he wished to acknowledge the spiritual supremacy of the pope; that his whole religious government was founded on a love of civil power, and tended to Catholicism; that the Romanists were ever favoured, while the Presbyterians and Puritans were persecuted; that though he conceived the measures of the Scots to establish their own ecclesiastical system, which it is beyond all doubt he abhorred infinitely more than the Popish, a sufficient reason for destroying them with fire and sword, yet that he latterly yielded to their demands as necessary for the peace of that country; while he conceived the demand of the same concession by the English a justifiable ground for hostilities, and refusing all accommodation even when his affairs were desperate. Where then was the inconsistency in granting to the Irish their own mode of worship, though he disapproved of it—in the same way that he had yielded to the Scots? That he ultimately did agree to it, as a return for proffered military service and general support, is established by complete evidence; and here we may remark, that the same historians who deny his knowledge of the Irish insurrection, also deny the army-plots, the Incident, the transactions of Glamorgan, &c., though they rest upon evidence which cannot be rebutted.

Having shown what it was that the Irish avowedly demanded of the crown, it may now be proper to show what could be expected of them, and what they promised. They alleged that the Puritan party in England deprived the king of his just prerogative, and trampled upon the privileges of the neighbouring isle; and, even after they had failed in their main object of seizing the castle of Dublin, they promised that, when they had established their power in Ireland, they would send an army to assist the monarch in

recovering his power in England.* But matters bore a far more promising aspect at the outset. Had their attempt against Dublin Castle, and with it the capital itself, been successful, the lately disbanded army would have at once been reorganised, and other troops speedily raised, when Ireland would inevitably have been their own. The other forts were likewise to have been attacked at the same time; indeed many fell into the insurgents' hands; and had the scheme against the capital succeeded, none of the other forts could have stood. Then the parliament, which had been adjourned, would have assembled; and as the Protestant members would have been frightened away, the Roman party would, if sanctioned by the throne, have carried everything, and possibly ordered what they afterwards called for, a free parliament—in other words, one composed of their own party—since they were infinitely the most numerous, and the Protestants durst not have contested an election with them. New taxes would have been levied; arms imported, and such an army organised as might have bid fair to render the monarch independent in Britain; while it is likely that the atrocities would have been greatly prevented. Nor is it unworthy of remark, that he had promised a visit to his Irish subjects.† It is likely enough that all this would have proved abortive, as the British, now that the veil was so odiously laid aside, would, with the exception of the Popish party, have united as one man; but as Charles seems ever to have conceived that with an army his power would be irresistible, so all his measures tended to that object; and it must be confessed that, of all his schemes, this was unquestionably the most feasible. If, too, he attempted so much without that help; if he even at last, when the execrable cruelties of the Irish shocked every British subject, relied confidently on subduing the parliament with an army from them, we need not wonder at his policy here. If this were the most

* See Temple, &c.

† See second letter from Sir

Patrick Wemyss to the Earl of Ormonde. *Carte's Let.*

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feasible, it was perhaps, according to the anticipated result, the most blameless of all his attempts at arbitrary power, and is particularly innocent when contrasted with his measures in about eighteen or nineteen months afterwards in regard to Scotland. Before the Scots had entertained any idea of the Solemn League and Covenant, while Charles was protesting that he would preserve their privileges inviolate, before the cessation of hostilities with the Irish, he concerted with the Earl of Antrim to carry over a body of the Irish rebels to overwhelm that kingdom, in an unsuspecting moment of security.

Had the first plot succeeded, the atrocities that followed would, in all probability, have never occurred. A regular army, instead of an undisciplined rabble, whom their leaders, including the clergy, found it requisite to stimulate to direful cruelty, would have been under the control of a vigorous government, and the fears which gave rise to all their horrid deeds could never have existed. Sir Phelim O'Neil goaded his tumultuary army to every act of abomination, that, having lost all hope of mercy, they might not desert him; and it is but charitable to attribute the ferocious instigations of the clergy to the same cause. No sooner did the Pale join the rebellion, than the cruelties were lessened; whence we may conclude, that, had matters succeeded at first, they never would have disgraced human nature.

According to Antrim, whose declaration appears to have been strangely overlooked,* even the Earl of

* See 'The Information of the Marquis of Antrim,' in the Append. to Clarendon's *History of the Rebellion and Civil Wars in Ireland*. It was taken in 1650. Antrim said that he knew nothing of the commission alleged to have been granted by the king; 'but that the late king, before the said rising of the Irish in Ireland, sent one Thomas Bourk, kinsman to the Earl of Clanrickarde, to the Lord of Ormonde, and to him the

Lord of Antrim, with a message, that it was the king's pleasure and command, that those eight thousand men, raised by the Earl of Strafford in Ireland, should be continued without disbanding, and that they should be made up twenty thousand, and that they should be armed out of the store of Dublin, and employed against the parliament; and particularly that the castle of Dublin should be surprised

Ormond, as well as himself, was applied to, for the purpose of securing Dublin Castle, re-arming the Popish

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and secured.' 'That the letters of credence, by the late king to Thomas Bourk before mentioned, were in substance as followeth: "Thomas Bourk, you are to repair to Ormonde and Antrim in Ireland, who are to give credit to what you are to say to them from us, C. R." Antrim proceeds to state 'that he and Ormond attempted, by correspondence through third parties, to have a meeting, which, however, did not then take place, owing to their fear of being suspected: that Ormond advised, that as the army was already disbanded, one of them two should repair to the king to receive his instructions; that himself, being a stranger at court, could not go to England without suspicion; but that Antrim might. Antrim says that he declined to go without Ormond, but by the pressing solicitation of Col. John Barry (this was one of the colonels who was to carry a regiment out of Ireland, and whose loyalty is vaunted of by Carte, because he afterwards joined the royal army in England), he sent a Captain Digby, constable of the castle of Dunluce, in the north of Ireland, belonging to his lordship, who saw the king at York, and that instructions were received from his majesty, though sent by a different gentleman, William Hamarstine, that all possible endeavours should be used for getting again together those eight thousand men so disbanded; and that an army should immediately be raised in Ireland, that should declare for him against the parliament in England, and do what was therein necessary and convenient for the service'—that he (Antrim) 'spoke to Lord Germanstown, and others of the Pale, but that, owing to the folly of part of the conspirators, the rising took place before matters were fully ripe: that the plan was to seize the castle of Dublin, while the parliament, which should declare for the king, was sit-

ting, and that the lords justices and others should be secured,' &c.

It will here be proper to make a few remarks upon the objections to Antrim's statement. 'That it cannot be true, but either Antrim deceived the world, or Bourk imposed upon him; for besides that Ormond and Antrim were unfit to be joined in a commission, as well because there never was any good understanding between them, as also because they were of different religions and interests; how much more obvious and easy, less scandalous, and more effectual, would it have been for the king to have made Ormond lord deputy, than to order him to surprise the castle and the lords justices.'—Now, with regard to the first objection, it is easily answered:—1st, Antrim had, as we have seen, been intrusted before, and Strafford, Ormond's patron, had been ordered to assist his schemes; 2dly, The following letter, by the king, dated 12th March, 1643-4, after affairs had become less reconcilable betwixt these two, puts matters beyond all doubt:—'*Ormond, I have received such an account of Antrim and O'Neale's negotiations with the Irish, as gives me an expectation, that, with your help and co-operation, they may do me very eminent good service. I have commanded Digby to inform you exactly of all particulars: only one thing I thought necessary earnestly to give you in charge myself—which is, that you will unite yourself in a strict and entire correspondence with Antrim, and contribute all your power to further him in those services which he hath undertaken; for I find that almost that whole kingdom is so much divided betwixt your two interests, that if you join in the ways, as well as in the end, for my service, you will meet with small difficulties there; which I no way doubt, being thus recommended by your assured friend Charles.*'—Oxford, 12th March,

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army, of which Ormond had been commander, and raising more troops; but the other conspirators hurried

1643. (App. to Carte's *Ormonde*, vol. ii. p. 4.)

The other objection is equally futile: Charles wished to appoint Ormond deputy, and was prevented by the parliament. No secret commission could be issued in England, for, 1st, If the plot failed, the royal cause was ruined; 2dly, Charles had left the capital on his way to Scotland, and could not grant it then; and, 3dly, As the Scottish army was not disbanded before his departure, he durst not do it sooner, nay, the keeper of the seal durst not have passed it; 4thly, A commission under the great seal of Scotland, which Charles had access to, would have been disregarded as of no validity in Ireland by the lords justices, who were in the parliament's interest.

The next objection is, that there were not twelve thousand stand of arms in Dublin Castle (Temple states the number at only ten thousand), and therefore not enough to arm 20,000 men; but, 1st, It is not to be supposed that Charles knew exactly how many arms Strafford had procured, and he might be deceived by that minister; 2dly, It was the interest of the king to magnify his resources, and arms could soon have been procured *by the money raised on the large collar of rubies for instance*. The other forts too would have supplied a number; and the Protestant army, if it declined to join, could have been disarmed. The third objection is, that matters then tended to an accommodation with the parliament, which is directly contrary to fact, the measures of that assembly being such as Charles was prepared at all hazards to resist; and the incident proves it.

The third objection is, that Charles knew the troops would be disbanded, which proves little; 4thly, The letter from Charles on the 31st October, to Ormond, to suppress the

rebellion is produced; and lastly, a letter dated Windsor, February 8th, 1642, in favour of Bourk, which, it is said, is the original one alluded to by Antrim, is founded on. But the last letter to Ormond does away the effect of the first to him, by showing that secret instructions were sent to him not quite in unison with the public instructions. The letter is this: '*Ormonde, being well satisfied of the fidelity of this bearer, Mr. Bourk, I have thought fit not only to recommend him to you, but also to tell you that I have commanded him to impart to you what I have not time to write, which I think will much conduce to the reducing of the rebels, which I know none desires more than yourself, and so I rest.*' Now, 1st, this letter proves that secret negotiations were going on, though Charles pretended to have devolved the conduct of the business on the parliament. 2dly, It never could be the one alluded to by Antrim, and it does not even appear that this was the same Bourk. 3dly, Does it follow that, because one letter was given, a second should not? One commission to raise the Irish was granted to Antrim in May, 1643, and another without reference to the former, in January, 1644. Compare a letter of the 26th January, 1642, by Charles, to the Scottish chancellor, with this, which Bourk carried to Ormond. (Burnet's *Lives of the Hamiltons*, p. 189.)

Antrim's intrigues with the Irish rebels, the pope's nuncio, &c. so enraged Ormond, that, on the Restoration, he insisted Antrim should not have the benefit of the act of settlement. Antrim however justified all he had done by letters, commissions, &c. from the late king, and a special letter grounded on this, was written by Charles II. and passed the seal in 1663, ordering the commissioners under the act of settlement, who were sworn judges, to acquit him.

on matters and marred the business. It was Charles's misfortune to be ever engaged in various plots at the same time, which, though all tending to the same object, had different degrees of guilt, according to his discernment of the disposition of the parties. Thus Hyde, afterwards Lord Clarendon, and the other ministers whom the king affected to trust with all his counsels, never received a hint of some of the Irish transactions: 'I must tell you,' says Hyde in a letter to Secretary Nicholas, relative to his history, 'that I care not how little I say in that business of Ireland, since those strange powers and instructions to your favourite Glamorgan, which appear to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction of Ireland, *both before and since*,* that you and I were never thought wise enough to be advised with in. Oh, Mr. Secretary,

Now, it is said, that Antrim did not join the rebellion for two years, and that he rendered good service by assisting Montrose. But his own story proves that he was in a plot at the outset. He, as a rebel, was made a prisoner to the Scottish Major-General Monro, in April (No; it was in June, but he went to his castle of Dunluce in April, and was there playing a double game), 1642, and sent to Dublin, where he broke prison. See Carte's *Ormonde*, vol. ii. p. 310. See also Clarendon's account of all this matter in his *Life*, vol. ii. p. 127 *et seq.* His lordship admits (and it is singular, that though he apologises for the letter by Charles, he had opposed Antrim's petition for the royal interposition in his favour. See Burnet's *History of His Own Times*, vol. i.), that Antrim was engaged with the rebels at the outset. See also what Clarendon says in his *History*, vol. iv. p. 607. See the Parliament's Declaration of 25th July, 1643, that is some time before the expiration of the two years in which the treason of Antrim, &c. are talked of as in-

disputable. See also Borlase, p. 199, App. p. 128; Scott's *Somers' Tracts*, vol. v. pp. 618, 625. In this, therefore, Mr. Hume, who merely takes up the unwarranted assertions of Carte, is clearly mistaken. Antrim's consequence chiefly arose from his having married the dowager Duchess of Buckingham, who was likewise heiress of the House of Rutland (Clarendon, vol. iv. p. 606). In May 1643, before a single step had been taken towards the Solemn League and Covenant, and before the Irish cessation, he carried a commission to negotiate with the Irish rebels for the invasion of Scotland, and was caught a second time. (This shall be proved.) In January following, he carried another commission to raise an army, and was empowered to offer Monro an earldom, and 2000*l.* per annum, and more, if he would bring his army to the king. See the commission in Clar. *State Papers*, vol. ii. pp. 165, 166.

* Why does Mr. Laing omit these words in quoting this passage? See note to his *Hist.* No. XI.

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those stratagems have given me more sad hours than all the misfortunes in war which have befallen the king, and look like the effects of God's anger towards us.* In another letter he says that he is satisfied even Digby was uninformed of the commissions to Glamorgan.†—Though Ormond was then his ostensibly confidential servant, and believed himself to be entirely trusted, he was never apprised of the powers and instructions given to Glamorgan, or yet of various intrigues with Antrim. It is not unlikely therefore that, while Ormond was engaged to a certain extent, negotiations which involved deeper consequences were going on at the same time with the lords and gentry of the Pale, as well as with the native Irish. The rebels ever declared that they acted by the royal authority, in opposition to the Puritan party, whose measures were no less hurtful to the prerogative than baneful to them; and they even produced as genuine a commission under the great seal of Scotland to justify their rebellion. That commission has, by later writers, generally been pronounced a forgery by the leading rebels, to delude their countrymen; but the more I reflect upon and weigh all the evidence and probabilities on either side, the more am I satisfied of its genuineness. The coincidences and facts relative to it are, indeed, otherwise inexplicable, while the objections to the copy which has been preserved, as not having been the same in substance with that produced by the rebels, though conceived to be insurmountable, do not bear examination, and accounts given of the manner in which the rebels procured the seal affixed to the alleged forgery are altogether unsatisfactory.‡

* Clar. *State Papers*, vol. ii. 337.

† *Ibid.* 346.

‡ The commission, with instructions, was supposed to have been carried to Ireland by Lord Dillon of Castletough, who, when the Irish committee left the king in August, accompanied his majesty, by the queen's orders, to Scotland, and was

remarked at court to be an uncommon favourite. He left the king about the beginning of October, and carried letters to be sworn in a privy councillor of Ireland. Now, the commission is dated on the first of October, while the Incident occurred on the eleventh, and there is a particular clause in favour of the Scots,

We now return to the narrative. The day fixed upon for the insurrection, and particularly for seizing Dublin

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Irish rebellion
breaks out,
Oct. 23,
1643.

whom it was imagined the Incident would, as a people, have put under the royal management against all their former measures. See letter from Sir Patrick Wemyss to the Earl of Ormond about Dillon, &c., and which appears, by comparing the matter contained in it with the Scottish parliamentary records and acts lately published, to have been written between the first and the eighth of the month of October, while the postscript shows that it was carried by Dillon (Carte's *Letters*, vol. i.). Dillon afterwards avowed himself a Papist, and soon became active for the confederated Irish (Rush. vol. v. pp. 349, 350).

Another remarkable coincidence regards the Scottish great seal, which, prior to the 2nd of October, 1641, had been 'for these years begane,' to use the language of the *Scots Acts* (see late publication of *Scots Acts*, vol. v. for 30th of September, and 1st and 2d of October, and Append. p. 676 *et seq.*), in the possession of the Marquis Hamilton and his under-keeper, John Hamilton, advocate; but which, on the appointment of London as chancellor, with the approbation of the states on the 1st October, was ordered to be produced in parliament by the marquis and his under-keeper, on the following day, that it might, with all formality, be delivered in parliament by the king to the newly appointed chancellor. This was accordingly done, and an act of exoneration, which had been previously prepared in favour of the marquis and his under-keeper, was passed that very day (*Ibid.*). Now the supple character of the marquis is well-known, and the under-keeper was likewise a keen royalist, and indeed the other's creature. Though, therefore, it may be inferred, from the Incident, that they knew nothing of any intention to grant a commission to the Irish, it does not follow that the seal, which was not confided to the marquis, as chancellor or regular keeper,

was not at all times at the king's service. Indeed, it might easily be required, or might be given up as a test of loyalty without suspicion of any foul purpose, either on his or his under-keeper's part; and it was alleged to have been occasionally in the possession of Endymion Porter, one of the king's attendants, who had formerly accompanied him to Spain (*Mysterie of Iniquity*, ed. 1643, p. 37-8).

Now, it is remarkable, that Burnet, in his *Lives of the Hamiltons* (and he was at that time a keen royalist), though he takes notice of this passage in the above pamphlet, and denies the charge about the commission, says nothing about the seal's having been occasionally in the custody of Porter. See p. 250 and compare it with Carte's pretended reference to this work for his statement, in his life of Ormonde, vol. i. p. 180. See also Charles's own offer, in his answer to the declaration of no more addresses—(Was not this answer originally drawn by Clarendon without the king's knowledge? Yes; and that without communication with Charles, though his majesty afterwards approved of and thus in a manner adopted it. See *Clar. Let.* vol. i. p. 244 *et seq.*)—*Works*, ed. 1662, p. 289, to prove by witnesses, that the Scottish seal had not, for many months previous to the date of the alleged commission, sealed anything, without mentioning the only witnesses who could have possibly been admitted. The fact is, that both the marquis and the under-keeper soon engaged for the king, and that the act of exoneration closed both their mouths, since, without renouncing the benefit of it, they could not allege that they had not faithfully kept the seal—the ground on which it was granted. Now, if there were a coincidence between the date of the alleged commission, the departure of Dillon and others; for, 'presently after the date of this commission,' it is said, 'Butler and divers other Irish com-

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Castle, was the 23rd of October. To prevent alarm, two hundred men only were selected to make the attack; and

manders, of which the court was then full, were' (as well as Dillon), 'despatched for Ireland with his majesty's licence,' (*Mysterie of Iniquity*, ed. 1643, pp. 37-8)—if, I say, there was a coincidence between these and the Incident, surely there was a greater between the date of the commission and the delivery of the great seal to Loudon, when it was put beyond the king's reach. Parliament then met early in the morning, and Friday the first of October was consequently the last day on which Charles could command the seal.

But it is said that no true copy of the pretended commission was ever produced—that in Milton and Rushworth being an evident fabrication, as it relates to events which did not happen till some months afterwards. Now, it will be curious, if this shall turn out to be a perfect mistake. The commission states, that for the preservation of his person, the king had been enforced to make his abode for a long time in Scotland, in consequence of the disobedient and obstinate carriage of the English parliament, which had not only presumed to take upon them the government, and disposing of those princely prerogatives that had descended to him from his predecessors; but had also possessed themselves of the whole strength of the kingdom, in appointing governors, commanders and officers, in all parts and places therein, at their own will and pleasure, whereby he was deprived of his sovereignty, and left naked without defence: That being sensible that these storms which blew aloft were very likely to be carried by the vehemency of the Puritan party into Ireland, and endanger his royal power there, he authorised them to assemble with all the speed and diligence which a business of such consequence required, and determine upon settling and effecting the great work men-

tioned, and directed in his letters, and for that purpose to use all politic ways and means possible to possess themselves of all the forts, castles, and places of strength and defence in that kingdom, excepting those belonging to the Scots, and also to seize upon all the goods, estates, and persons of the English Protestants, but to spare the Scots.

This commission is said, in regard to the question about the power of the militia, to relate to events which did not occur for some months afterwards; but Mr. Hume, who in this follows Rapin, had not much studied this subject, otherwise he never could have made such a statement. For, so early as the 10th of May, 1641, the very day on which the bill was passed for continuing the parliament, a report was made in the Lower House, 'from a committee that was appointed to prepare heads for a conference,' (with the Lords,) 'that one have power to command in chief on this side of the Trent, and such power to choose officers as the now general hath; and to bring a list of their names to the king and both Houses of Parliament' (*Journals* for 10th May). Again, in the ten propositions to be presented to the king before his going to Scotland, there was one that his majesty might be petitioned to remove evil counsellors, and commit the business and affairs of the kingdom to such counsellors and officers as the parliament may have cause to confide in; another regarded lords lieutenants and their deputies; and there is one expressed thus: 'That the cinque ports and other ports of the kingdom may be put into good hands, and a list of those who govern them may be presented to the parliament, and that those persons may be altered upon reason, and that especial care be taken for reparation and provision of the forts' (Nelson, vol. ii. pp. 311, 313). In addition to this we may re-

the market day was chosen, that, in the usual multitude assembled on that occasion the conspirators might not

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mind the reader of Hazelrig's bill; all which is the more astonishing that Mr. Hume should have overlooked, since Mr. Carte, from whom he borrows so liberally, has distinctly stated it (see his *Hist.* vol. iv. p. 366). But the Commons were not content with all this, for they actually interfered with the forts, &c., as may be seen by the *Journals* for the 14th, 21st, and 25th of August. What had occurred in Scotland prior to the date of the commission confirmed their purposes. A publication of original cor-

respondence shows, that Charles was apprised by Secretary Nicholas of the intention of the English parliament to make the concessions in Scotland a precedent for themselves. Nicholas's letters were sent back apostiled; and therefore we shall present them in the original form. On the 28th of August, he writes from Westminster, 'All things are like to be now very still here, every man's expectac'on being fixed upon yo' ma^{tie}, and the Parliament's proceedings there, &c.' On the 24th September he writes from Thorpe:—

'It is so, and lykes me well.'

'I lyke your proposition, and shall gett as much as I may; however, I thank you for your advertisement.'

'I pray God, it be to good purpose, and that there be no knavery in it.'

'I command you to send, in my name, to all those lords that my wyfe shall tell you of, that they faile not to attend at the downesitting of the parliament.'

'It were not amiss that some of my seruants met likewise to countermynd ther plots, to wch end speake with my wyfe, and receave her directions.'

'It is not London yet.'

'I believe before all be done, that they will not have such great cause of joy.'

'This inclosed from my Lo. Keeper was brought to me last night to be conveyed to yo' ma^{tie}, and will I hope give yo' ma^{tie} an account of yo' last let^r to his lo^{ps}. Yo' ma^{tie} may be pleased to procure from y^e p^{ar}liament there some further reiteration of their declarac'on, that what yo' ma^{tie} hath consented unto concerning y^e election of officers there may not be drawne into example to yo' ma^{tie} prejudice here, for, if I am not misinformed, there wilbe some attempt to procure the like act here concerning officers before y^e act of tonnage and poundage wilbe passed to yo' ma^{tie} for lief.'

'I heare that y^e comittee of y^e commons hath appointed to take into considerac'on on yo' ma^{tie}s revenue y^e next weeke, and that they will then set at least twice a weeke. I am unwilling to give yo' ma^{tie} in yo' great affairs there too long an interruption with the tedious lynes of

Yo^r Sacred Ma^{tie}s, &c.'

—App. to Evelyn's *Mems.* p. 24.

On the 27th of September, Nicholas writes from Thorpe that the parliament had, by its unusual proceedings, begun to lose the reverence it had before the adjournment; and then proceeds thus,

'I heare there are diverse meetings att Chelsey att the Lord Mandeville's house and elsewhere, by Pym and others, to consult what is best to be donne at their next meeting in P^{ar}liament; and I beleeeve they will, in y^e first place, fall on some plausible thing that may reintegrate them in y^e people's good opinion, w^{ch} is their anchor hold and only interest; and (if I am not much misinformed) it will be either upon papists, or upon some act for expunging of officers and counsellors here, according to y^e Scottish p^{re}cedent, or on both together, and therefore it will import yo' ma^{tie}, by some serious and faithful advise, to do something to anticipate or prevent them before their next meeting.'

N.B.—The apostiles to this letter are dated the 2d October (*Ibid.* p. 25).

On the 29th of September Nicholas writes from Westminster, and the following is one passage:—

'By let^{rs} to partic'lar persons (which I have seene), dated 25th, 7th, it is advertised from Edenb. that yo' Ma^{ty} hath nominated y^e Lord Lodian to be chancellor. Whatsoever the newes that is come hither amongst y^e partie of y^e protesters, they are observed to be here of late very iocund and cheerful, and it is conceaved to arise from some advertisements out of Scotland, from whose accons and successes they intend (as I heare) to take a patterne for their proceedings here att their meeting.'

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attract attention. Small as this number was for making the attack, it was calculated to be sufficient in the first

This was apostiled on the 5th of October, but his majesty mentions that he had that day also received one dated the 1st (*Ibid.* p. 28).

Other letters from Nicholas, dated the 3d and 5th of October, are, if possible, stronger. But it cannot be supposed that he was, besides the queen, the only correspondent of Charles who gave advertisements of what occurred in England; and as he evinced great anxiety about concealing his letters, lest they should be the occasion of his ruin, we may conclude that the king had still more explicit, or at least more alarming, intelligence from other quarters. The result therefore is, that from this, coupled with Hazelrig's bill and other proceedings, and, above all, what had just occurred in Scotland, by the advice of the English committee, Charles was bound to infer that the object of parliament would now be to wrest the appointment of officers, &c. from him; and, as he was advised to anticipate the measures of parliament, it is not in the slightest degree extraordinary, that, if he issued a commission to the Irish at all, he should assume as done what had already been determined on by the parliament; and this will appear the less strange if we consider, that in his 'instructions to Colonel Cochrane, to be pursued in his negotiations with the king of Denmark,' he says, that the parliament had endeavoured to lay a great blemish upon that prince's family, 'endeavouring to illegitimate all derived from his sister' (Charles's mother), 'at once to cut off the interest and pretensions of the whole race, &c.' Indeed, the more one studies this period, the more he discovers that no important proposition ever came upon either party unexpectedly, as one would infer from ordinary histories. The objection, therefore, to the copy of the alleged commission is futile; and there

does not appear to be a shadow of ground for presuming, that what is preserved is not an exact transcript of that published by the rebels a few days after the insurrection. Indeed, I do not think that an imposition on that head was possible (see Rush. vol. iv. p. 400). Though there be nothing in the matter to prove that it was subsequently fabricated, yet there is matter enough to show that it was above the capacity of Sir P. O'Neil to forge the document.

We shall now consider the account given of the seal affixed. Clarendon says that it was an *English* seal, torn from some patent; but his statement is in direct opposition to all authority, and indeed cannot possibly be correct, because the commission was dated from Edinburgh, and said to be under the great seal of Scotland; and had an English seal been affixed, all who knew what a seal was, to whom O'Neil showed it, and to whom alone it was necessary, would have detected the forgery (*Hist. of Irish Rebellion*). By other accounts, (Borlase, p. 29; 'Life of Charles,' prefixed to the edition of his works, published by authority in 1662, p. 30,) the seal was said to have been taken by one Plunket from an obsolete patent in Farnham Abbey; but the most notable account is that given under the hand and seal of Dr. Ker, dean of Ardagh, at the desire of Lord Viscount Lanesborough, on the 28th of February, 1681. According to this statement, Sir Phelim O'Neil, at his trial, was questioned about the commission; but he denied that he ever had one; and being reminded of that he showed, he acknowledged that he had forged it upon seizing the castle of Charlemont, and that he had ordered Mr. Harrison, then in court, and another gentleman, to cut off the broad seal from a patent found there, and affix it to the forged commission; and that Harrison, in

instance; and it was imagined that, by turning the great guns upon the town, it might be kept in check till the

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the face of the whole court, confessed the fact, and stated how he had accomplished it. The same reverend doctor further certifies, that he heard Sir Phelim on the scaffold declare that he had been repeatedly offered his life by L. General Ludlow, if he would accuse the late king, but that he would not, to save himself, be guilty of such a crime—a crime which he had continued to commit down to that period, by never publishing this story before! (Nelson, vol. ii. p. 528 *et seq.*) But the story carries its own refutation with it; for is it within the compass of possibility that such facts, acted in the face of day, before a crowded court and a large assemblage, should slumber so for about thirty years; that however useful for the vindication of the royal martyr, they never were whispered till then? Where was this reverend doctor's loyalty when the family stood more in need of his interposition? How were the regicides left so long unstained with such a charge, when every press in Europe teemed with productions against them? The worthy dean wished to be a bishop; and he probably flattered himself that a pious fraud was laudable in such a cause. Similar frauds were innumerable; but the effrontery of this dean, considering the account published by authority—an account said to be attested by the confession of many—surpassed that even of his contemporaries. Carte, who never hesitates at an assertion, after correcting Clarendon, in regard to the seal, stating that it was the Scottish, not the English (*Life of Ormonde*, vol. i. p. 180), takes up this story as indisputable, and circumstantially adds this to it—'that the very patent from which the great seal was torn, and which contained a grant of some lands in the county of Tyrone, was, about five or six years ago, (that is, previous to the publication of the *Life of Ormonde*, which took

place in 1736), 'upon a suit of law, in relation to those lands, produced at the assizes of Tyrone by the late Lord Charlemont, having on it evident marks of the seal's being torn from it, and an indorsement proving the fact; and was allowed by the judge as a proper evidence to prove his lordship's right to the land in question' (*Ibid.* p. 182). One would imagine that no author could have had the hardihood to make such a statement, without the most perfect assurance of its truth; yet such is the fact. Leland, who espouses the same side on this subject, and adopts the statement, says in a note to his *History of Ireland*, that his dear and honoured friend, the then Earl of Charlemont, assured him he had no patent answering the description (vol. iii. p. 121). Now, it is impossible that such a patent, within so short a period, should have been lost, and the earl know nothing of the matter. But what puts the fact beyond all doubt is, that the great seal of Scotland could not, in the nature of things, be affixed to an Irish patent, the island being a dependency of England only, and not of Scotland, so that a patent under the Scottish seal would have been altogether invalid. Then why should either James or Charles, neither of whom was scarcely ever in Scotland after the union of the crowns, dream of attempting to pass such grants, as kings of that country? The best proof that they never attempted it is, that no account handed down to us authorises the belief; and the English would not silently have submitted to such a violation of their exclusive right. Clarendon saw this objection, and therefore made it the English seal; while others, with a different account from the Dean of Ardagh, say nothing about that fact. In the *Life of Bishop Bedel* it is said (p. 177), that 'a seal was cut off from another charter, and put to a forged

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troops on ship-board were landed and armed: through their assistance again it was not doubted that matters

commission, giving warrant to what they were going about, *and because the king was then in Ireland they made use of a Scottish seal.* The story then recoils upon the inventors; and we have still to be informed how a Scottish seal came into the possession of Sir Phelim O'Neil; nay, how it could be in Ireland without the concurrence of some person in Scotland for an evil purpose?

The other objections by Mr. Hume have elsewhere been mostly answered; and the pretended dying confession of O'Neil is one. Hume, Carte, and others, who so strenuously deny Charles's participation in this affair, also, in the face of the clearest evidence, deny the army-plots, the Incident, the commissions to Glamorgan, &c. But his commissions to the last, which he disclaimed, as well as the petition signed C. R., afford a strong presumption against him in this instance. Indeed, it has been well observed that he never very pointedly denied the commission. The case of the Marquis of Antrim, too, is very strong, if not conclusive, as to his being concerned; and from all circumstances we may safely presume that, even though Lord Castletown did not carry the commission, he did instructions. The lately published correspondence between Charles and Secretary Nicholas corroborates the other proofs. Though anxious to please the city of London, he was keen about the plantation of Londonderry, while he conceded everything to the Irish. The following is an apostile of the 16th September. 'I command you to draw up anie such warrant as my wife shall direct you, for the disposing of the great collar of rubies that is in Holland, and tell her how I have directed you to wait her commands in this, and that I am confident of your secrecie in this, and anie thing else that I shall trust you with. C. R.' (App. to Evelyn's *Mem.* p. 19; see again p. 23).

Nicholas answers thus: 'Yesterday Sir Job Harby and I attended the Queene about yo^r collar of rubies, vpon wh^{ch} he saith *there is already 25--*,' &c. His Majesty *apostiles* his wonder, &c. at this (see also p. 32). These are dated prior to the Incident, and therefore may be supposed to apply to it; but see again p. 39, Apostyle, 20, 8^{bris}; see again 29, 8^{bris}, p. 50. The merchants had declined, through fear of parliament I presume, to engage the collar (p. 39).

It appears also from the same source, that Charles had some secret ground of confidence in his own resources (see p. 28, already quoted). See an apostile to a passage in a letter, dated 3rd October, and apostiled the 9th, regarding a report about Argyle's being made chancellor, which was incorrect. 'You may see by this,' says Charles, 'that all ther desyres hit not, and I hope *before all be done*, that they shall miss of more' (p. 29). See farther on the same page about elections to offices. See again, p. 30. See also other letters about Episcopacy, &c.) On the 6th of November, this apostile occurs, 'when ye deliver this inclosed to my wyfe, desyre her not to open it but when she is alone' (p. 51). The English Protestants in Ireland were almost all Puritans, and had offended Charles by petitioning for the abrogation of episcopacy (*Rawdon Papers*, p. 82). The Earl of Essex told Bishop Burnet, 'that he had taken all the pains he could to inquire into the origin of the Irish massacre, but could not see reason to believe the king was accessory to it; but he did believe that the queen did hearken to the propositions made by the Irish, who undertook to take the government of Ireland into their own hands, which they thought they could perform, and then they promised to assist the king against the hot spirits of Westminster. With

could be kept secure till all the late army were re-organised, and additional men embodied. A simultaneous attack was to be made on the other forts, by other bodies of conspirators, and the insurgents in Ulster were to move towards the capital for arms.*

It has been often remarked, that barbarous nations are generally characterised by an extraordinary capacity for dissimulation, so that the widest, as well as the deepest laid schemes are frequently conceived by them without the slightest indication of their purpose; and the present case affords a striking proof of the justness of the observation. Though the conspiracy was so widely spread, scarcely one of the number engaged betrayed the design, or gave an unnecessary hint of the plot; and it was only on the evening of the 22nd that anything like precise information was first communicated to the government. Sir William Cole had, on the 11th, dispatched a letter from Enniskillen, to the lords justices, in which he stated that he had observed a great resort of several suspected persons, fit instruments of mischief, to Sir Phelim O'Neil's, in the county of Tyrone, and also to Lord M'Guire's, in the county of Fermanagh; and that Lord M'Guire had made several journeys of late within the Pale and other places, and spent much of his time in writing letters and sending dispatches;† but this intelligence was so dark, that the lords justices did not imagine themselves warranted in proceeding farther upon it, than to require him

this the insurrection began, and all the Irish believed the queen encouraged it' (*Hist. of His Own Times*, vol. i. p. 41). I cannot distinguish between the king and the queen, considering their dark correspondence and joint plots; and late discoveries of original letters, in regard to the transactions of Glamorgan, have thrown much light on Charles's character since Burnet's time (see Birch's *Inquiry*; Neal, vol. ii. p. 503 *et seq.*; Harris's *Charles I.*).

But here must a distinction be again pointed out between the massacre and the proposition by the Irish to take the government of that island into their own hands, of being accessory to the first the king must be acquitted. The last is in a different predicament.

* Temple, pp. 93, 121 *et seq.*; M'Guire's *Relation in Nalson*, vol. ii.

† See the Letter in the 3rd volume of Carte's *Ormonde*, p. 35.

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to be very vigilant and industrious to discover the cause of those meetings, and inform them immediately. Indeed it has been well remarked, that, had they upon such grounds laid M'Guire and O'Neil fast, the rebels would have asserted with some colour that they had been driven to arms by the causeless suspicion of the government. It afterwards appeared that Sir William Cole was successful in obtaining information from some of the conspirators; but his letters had either miscarried or were intercepted.*

Discovery
of the con-
spiracy
made to
the lords
justices on
the evening
of October
22, by
O'Conally,
with the
seizure of
conspira-
tors, &c.

It was reserved for one Owen O'Conally, who had formerly been in the service of Sir John Clotworthy, but had fixed his residence in the county of Londonderry, to make, on the evening of the 22nd, the disclosure which saved Dublin, and truly first alarmed the executive. He was a gentleman of pure Irish extraction, but had been brought up in the Protestant faith, and had lived much with the English. One of the conspirators, Colonel Hugh Oge M'Mahon, wishing to draw him, as a native, into the conspiracy, wrote to him to meet him in Connaught, in the county of Monaghan, about business of importance. Thither the other went; but on his arrival found that M'Mahon had gone to Dublin, and he followed him to the capital. There they met on the 22nd, and M'Mahon, after what he deemed proper precautions, revealed the design; but O'Conally protested against it, using every argument to divert him from his purpose, and induce them to disclose the conspiracy to the executive. This, as it did not prevail on M'Mahon to abandon his object, necessarily alarmed him; and, for his own safety, he determined to detain O'Conally for the night, while he also threw out a threat of murdering him if he attempted to escape or turn informer. O'Conally resolved to disengage himself, yet aware that he could only succeed by stratagem, drank deep, and then, affecting to have occasion to retire, left his sword with M'Mahon as a pledge for his

* Temple, p. 32; Borlase, p. 19.

return. Not satisfied with this, M'Mahon desired his servant to accompany his guest; but O'Conally having leapt a paling, got safely off, and went directly to the Lord Justice Parsons, with the dreadful intelligence. Partly, however, owing to what he had drunk, partly, as he afterwards said, to the horror produced by the disclosure which had just been made to him, his narration of the conspiracy was so broken and confused, that his lordship gave it little credit, and dismissed him with orders to rejoin M'Mahon, in order to discover as much more of the plot as possible, and return with his information. But the lord justice, though he almost entirely disbelieved the story, did not so despise it as to neglect the precautions necessary for the common safety. He issued strict commands to the constable of the castle to place strong guards upon its gates, as well as to the mayor and sheriffs to set watches in all parts of the town, and arrest all strangers, while he himself went straight to the residence of Lord Justice Borlase, a little way out of town, to consult with him and others of the council upon the intimated danger. In the meantime an accident had nearly deprived them of O'Conally's testimony, now that he had recovered his recollection; for the watch had seized him, and was carrying him to prison, when one of Lord Borlase's servants, who had been sent to walk the streets, and particularly to attend O'Conally's motions, came critically to his rescue, and conducted him to his master's house. Having now recovered from the effects of fear and intoxication, he gave a distinct account of all the particulars which he had learned from M'Mahon.

The lords justices sat up all night in deep consultation, and being joined next morning with more of the council, they ordered the apprehension of M'Mahon, whose lodgings had, in the interim, been strictly watched. He and his comrades at first attempted resistance with drawn swords; but finding it useless they surrendered them-

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selves prisoners. Put to the rack, a proceeding at all times indefensible, yet more excusable now than almost on any other occasion, M'Mahon confessed the whole design, withal informing them that though the capital had been saved, the other fortified places could not ; and that, if he should fall, his fate would at least be revenged. Lord M'Guire, with about thirty more, was afterwards seized ; but Roger Moore, Colonel Plunket, Birne, and several others, who had undertaken the chief part of the business, escaped. Along with these prompt proceedings, the executive adopted other salutary measures to preserve the city, and the peace of the neighbourhood.*

The insur-
rection in
Ulster, &c.

Thus was Dublin rescued from the impending danger, and the fortunate discovery, with the measures pursued by the government, so awed a large portion of the conspirators, that a considerable time elapsed before they openly appeared in rebellion. But in Ulster the insurrection began, under Sir Phelim O'Neil, on the appointed day, and in a short time he found himself at the head of about thirty thousand men. At the outset Sir Phelim proceeded with some moderation. The English were, indeed, despoiled of their possessions and moveables, but their persons were safe. It was when the news arrived of the detection of the conspiracy and the safety of Dublin, together with its consequences on the great body of the conspirators, that, tormented with the dread of being left alone a victim of public justice, and confident of his power to bear down all opposition did the troops remain steady—he and his clergy instigated them to the most atrocious acts, that being precluded every prospect of mercy, they might place all their hope in a desperate adherence to their leader and the cause. Then began the direful work of slaughter, horror, desolation. Then every evil passion got vent ; and religion, which ought to have

* Temple, p. 33 *et seq.* ; Borlase, p. 20.

softened their hearts, encouraged their savage ferocity. The English, men, women, and children, stripped of their clothes, and driven from their houses, in an unusually inclement season, without food, perished in vast numbers, in bogs, morasses, or on hills, to which they fled to escape a yet more horrid death. Hundreds were pricked forward with spears to rivers and drowned in the stream. Vindictive fury acquired additional rage by gratification. Between the two classes of men few or no sympathies existed; and the new settlers were at last destined to feel, in its utmost bitterness, the effects of the system they had pursued. Inventive cruelty was then put to the rack; many were burned in their houses; some were dragged by ropes through woods, bogs, and ditches, till they expired; some hung on tenter hooks; some slashed and cut, to inflict the utmost torture without proving immediately mortal. The helpless innocence of infants did not protect them. Women great with child were first tormented till they parted with the burthens of their wombs—which were given to dogs and swine—and then destroyed with an indecency equal to the inhumanity. Some wretches were prevailed upon, by a promise of life, to be the executioners of their dearest friends and kindred; and when they had, through a pusillanimous fear of death, incurred this tremendous guilt, were, with satanic triumph, butchered upon their murdered relations. Others, tempted by the same promise of safety to disown their faith, and conform to the Romish rites, were then coolly told, that as they were now prepared for heaven, it would be charity to send them thither instantly, lest they should relapse, and they were forthwith dispatched. Others—but enough of this disgusting picture. Many of the cruelties were perpetrated to extort a confession of concealed goods or money; but savage vengeance and fear were the prime instigators. The brute creation did not escape the indis-

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criminate fury of worse than brutes in human form : cattle were houghed and mangled because they had belonged to Protestants, though it was now the interest of the victors to secure what had fallen into their hands. Never were more dismally displayed the terrible effects of bigotry. The complaints and shrieks of dying wretches, instead of mollifying their enemies, only drew from them an exulting yell, that their present sufferings were but the beginning of eternal torments.*

Had the Protestants, leaving their separate dwellings, collected for mutual defence, they might have at least arrested the torrent till succour had been sent, or dearly sold their lives ; but so unexpected was the event, that each, imagining the danger only at his own door, tried to save his goods, and their families individually fell an easy prey to the insurgents. Irish proprietors delivered their tenants into the hands of their enemies. Irish tenants destroyed their landlords. In his own family, a master often found his servants prepared to sacrifice himself, his wife, and children ; or to invite their countrymen to the deed of horror. Besides, the insurgents early surprised several forts and places of strength, which gave them the command of great part of the country.† The Scots, who were spared in the first instance, saved themselves afterwards, in a great measure, though they still suffered much, by defending themselves in bodies.

Insurrec-
tion in
Leinster,
&c.

Thus raged the rebellion in Ulster ; but several counties in Leinster soon declared themselves, and the danger threatened the capital, both from the north and south. The other provinces soon also rose, and the Pale itself openly joined the rebellion in the beginning of December. The atrocities fell short of those acted by the followers of Sir Phelim O'Neil ; but they were every where dreadful.

* See Temple, p. 216 *et seq.* ; and Borlase, pp. 154, 158, 226 ; Scott's *Somers' Tracts*, vol. v. p. 573 *et seq.* ;

Rush. vol. iv. p. 404 *et seq.* ; Burnet's *Life of Bedel*, Bishop of Kilmore.

† Temple, pp. 67 *et seq.*, 194.

From all quarters were seen multitudes flying towards Dublin, as to the only place of refuge ; and as they daily arrived there in vast numbers, never did town exhibit a more disgusting spectacle. Many persons of good rank and quality, exhausted with suffering, and without any other covering than a little twisted straw to hide their nakedness, hourly poured in. Reverend ministers and others, who had escaped with their lives, appeared all wounded ; wives deplored their husbands butchered before their faces ; mothers their children ; while infants again that had been carried off from the savage murderers, were ready to perish in their helpless mothers' bosoms. Many, overcome with long travel and want of food, came crawling on their knees ; others, stiffened with cold, scarcely retained existence. Some, again, overwhelmed with grief, and distracted with their losses, were utterly bereft of their senses. In every street wretches wandered like ghosts ; and so completely were many subdued by their misfortunes, that they could not make the necessary exertion to put on the clothes which the humanity of the government and the citizens had furnished to them ; others again would not bestir themselves for the food which had been provided for them, but miserably perished in filth, and covered with loathsome rags, when help was at hand. The churchyards were soon filled, and other ground was necessarily set apart for the bodies of the sufferers. The churches, as well as every barn, were crowded with the miserable survivors.

Every hour teemed with some fresh report, and each new stranger spread terror by an account of his sufferings, and by painting the danger under the impression of his own fears. The English inhabitants of the city therefore imagined that all the evils which had been felt elsewhere were already arrived at their gates. The Popish inhabitants were disposed to abet the insurgents, and indeed had contributed to the escape of

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leading conspirators.* There were no fortifications about the suburbs; none even about the city, but a ruinous wall, part of which had fallen down. The inhabitants of the suburbs crowded into the town; the higher classes into the castle; while many chose rather to quit the kingdom, with great pecuniary loss and other disadvantages, than remain in that distracted city. Even those who had embarked, and were detained in harbour, preferred all the privations of shipboard to returning to the town. The most stormy weather did not intimidate men from encountering one danger in their eagerness to avoid another. The very Scottish fishermen, who had proffered their services, partook to such a degree in the general alarm as to put to sea, and not re-appear upon the coast that year.†

Number of
Protestants mur-
dered.

It is quite hopeless to arrive at anything like an exact estimate of the number of Protestants who perished in the first year of this deplorable rebellion. The passions, feelings, and even interests of the parliamentary party particularly, led them to exaggerate the massacre; those of the Catholics (though some of their writers boasted at the time of the murder of about 200,000 Protestants), to deny the enormities, and diminish the number who fell victims to the fury of the insurgents. The high-church faction have so far espoused the cause of the rebels as to support their statements; and there have been writers hardy enough to assert that scarcely 4000 were sacrificed. If the general statements handed down to us are little to be relied upon, hypothetical calculations founded on the proportion borne by the Protestant part of the population to that of the Catholic, and again on that of the number massacred to that which escaped, are not more so; since every one must know how impossible it is, in a case of this kind, where there was no census to guide one, to fix

* Temple, p. 82; see particularly what they did about money.

† *Ibid.* p. 109 *et seq.*

upon the proper ratio, and what effect an apparently small error in that has on the result. That the accounts transmitted to us by Protestants of 150,000 having perished in the province of Ulster alone are greatly exaggerated, may safely be affirmed; but the disposition of later times has been to fall short of the truth. Clarendon was not likely to represent matters in the worst light for the Catholics, and his intimacy with Ormond afforded him excellent opportunities of knowledge; yet, in his grand history, he informs us, that 'about forty or fifty thousand of the English Protestants were murdered before they suspected themselves to be in any danger, or could provide for their defence by drawing themselves into towns or strong houses.' Though, in his account of the Irish rebellion, written when Ormond and he were with Charles II. together at Cologne, he does not specify any number, his language would lead us to infer that it was much greater; for he there says that an *incredible number* were destroyed.*

Though the evidence of M'Mahon, with other suspicious circumstances, attached guilt to the old English of the Pale, and consequently justified the executive in presuming that their expressions of loyalty and abhorrence of the insurrection, with their eager desire to quell it, were the offspring of cunning and of disappointment in the projected attempt on Dublin Castle, yet the lords justices and council, calling to mind their loyalty in former rebellions, and anxious to fix them in their duty, treated them as above suspicion. On this principle they granted commissions to the leading lords to preserve the public peace, and even issued amongst them seventeen hundred stand of arms. But the danger of this liberal policy soon manifested itself, and through the vigilance of the government nine hundred and fifty stand of the arms were fortunately recovered before the Pale joined the rebellion.

Conduct of
the lords
justices.

* Clarendon's *Hist.* vol. ii. p. 209; 12; Carte's *Life of Ormonde*, vol. i. *Hist. of the Irish Rebellion*, pp. 11, . p. 177; Warwick, p. 109, &c.

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The lords justices and the council had formerly prorogued the parliament, in consequence of the dangerous spirit that began to show itself; and they afterwards propounded reasons to the English council—reasons which were approved of, for farther proroguing it till February.* Their reasons were now become more cogent; for, besides that the spirit of disaffection was augmented, the capital was, in most men's opinion, still in the most imminent hazard, and the meeting of the legislature would necessarily have afforded a pretext for an unusual resort of Catholics, who might then have effectuated the purpose which was only suspended till a fit opportunity presented itself. The former intention was therefore resumed; but the leading Papists, who had not yet appeared in arms, and affected the greatest anxiety to suppress the rebellion, so strenuously urged for an opportunity in a legislative form to testify their loyalty, that their wish was acceded to, and the parliament met on the 16th of November. Their language then, however, indicated feelings so very opposite to those which they had previously pretended (they would not even call the insurgents rebels, but discontented gentlemen), that the executive prudently prorogued the parliament without delay, though only till the 11th of January.†

The lords justices, immediately on the breaking out of the rebellion, announced the worst to the English parliament, and called upon it for aid, while they also sent O'Conally thither, that he might personally communicate the alarming intelligence. Despatches were likewise sent from them and other hands to the king in Scotland; and we shall now return to our account of transactions in that

* Temple, p. 29; Append. to Evelyn's *Memoirs*, 'Correspondence between Charles I. and Nicholas,' p. 36. This is a singular fact; but Charles himself sanctioned the measure.

Anglesea's *Answer to Castlehaven's Mem.* pp. 34, 35.

† Temple, p. 244 *et seq.*; Borlase, p. 32 *et seq.*; Carte's *Ormonde*, vol. i. p. 221 *et seq.*

kingdom. But we may, in passing, observe that new forces were raised by the executive in Ireland, and armed from the stores in Dublin Castle; and that arms were likewise distributed to Protestants who were likely to use them.*

* These lords justices were Puritans, that is, they favoured the ecclesiastical proceedings in England; and it is therefore not surprising that they should have been abused without mercy, and have had every detestable motive imputed to them by such a writer as Carte, whose statements have yet been too closely followed by Hume—a circumstance the more extraordinary, since the same Mr. Hume pronounces him ‘an author of great industry and learning, but full of prejudices, and of no penetration.’ We shall expose a little the inconsistencies and absurdities of that author, in his *Life of Ormonde*. He panegyrises the unconstitutional government of Strafford, and violently censures the lords justices for governing strictly by law, and encouraging the abolition of arbitrary courts; and yet he accuses these very justices of purposely driving men to despair and rebellion by their tyrannical courses. In the same breath, he accuses them of preventing foreign levies and allowing them; alleging that the officers employed were the most dangerous instruments of conspiracy; and yet these were the very officers whose licences by Charles they objected to! In this way he violently condemns the opposition to the levying of forces for Spain; yet in another place as keenly condemns the lords justices for permitting any motions by the officers from abroad towards it, forgetting that he had ever condemned them for opposing the licences granted by Charles to officers returned from foreign service, who were afterwards the most active in rebellion. He charges them with the most criminal negligence in not

detecting the conspiracy, or rather villany in conniving at it, that they might have a ground for forfeitures—because ‘they had repeated advertisements sent to them of the danger, and express orders to provide against it, yet neglected both. The king,’ continues he, ‘received accounts from his ministers in Spain, and other foreign courts, of an *unspeakable number* of Irish churchmen going thence to their own country, and of several good old officers doing the same, under pretence of asking leave to raise men for the king of Spain, and that the design was to raise a rebellion.’ Yet this same author, in the same paragraph, informs us, that ‘the design of an insurrection was confined to the old Irish, and not communicated to *above half a score of them* till the very moment of execution: the chiefs depending upon the strong disposition of their vassals to follow their lords in all actions whatever, and on the mortal hatred which the Irish in general, and the gentlemen in particular who had been dispossessed of their estates by the plantation, bore to the English nation and government’ (vol. i. pp. 165, 166). One would thence infer, perhaps, that the design was formed solely by the churchmen and officers from abroad. Yet this author, in a preceding paragraph, assigns as a reason why Colonel Plunket’s account of having had interviews during the summer with the Irish committee, must be unfounded—that the colonel had been so long abroad, ‘that he was very ill qualified to propose anything regarding it, and had been then entirely ignorant of the conspiracy.’ This is abundantly absurd. I be-

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So early as the 28th of October, Charles received several dispatches from the North of Ireland; and one of them

The king informs the Scottish parliament of the rebellion; its measures in consequence, &c.

lieve that a great many were intrusted with the design, but that, from the causes stated above, the secret was admirably kept. Carte's principal reason for disregarding evidence against the lords and gentry of the Pale, is, that they were chiefly under the influence of lawyers, 'a set of men who, though the most active of any for redress of grievances in a parliamentary way, are yet always averse to war, in which their profession is of little use.' But he forgets that the Scots, whose opposition to Charles's arbitrary measures he pronounces the blackest rebellion, had acted entirely under the direction of lawyers, and that the same class were amongst the most forward in England afterwards. He paints the extreme danger of Dublin for a considerable time after the commencement of the rebellion, yet mercilessly condemns the lords justices for keeping there so many troops—troops deemed by most insufficient for the defence of the capital, so that the withdrawing of them might have been attended with its ruin (pp. 194, 195). By the way, the advice of Ormond to draw out the troops appears strange. When Sir Charles Coot went with 600 men to Tredagh or Drogheda, after a defeat of the English forces, Sir John Temple tells us, that 'had the rebels drawn all the forces which they had on both sides the Boyne, for the siege of Tredagh, and marched directly to Dublin, they would have found so strong a party there, that they could not have failed of success' (p. 267). Carte says, that had the Pale been concerned at first, Dublin must have fallen; but every one knows the effect of a discovery in such a case—that all confidence amongst the conspirators being dissolved, their motions are paralysed.

The tendency of all his writings is to run down parliamentary powers.

Yet forsooth the Irish parliament ought to have met at this crisis, for the Roman senate ever sat in the hour of danger. This really proves the extent of his want of judgment. If the Irish parliament had fairly represented the community, it necessarily must have encouraged the rebellion; for the bulk of the people favoured it, in order to shake off the English yoke, and establish their own religion. The parliament was only tolerated by the English under certain conditions, and the question was, whether the Popish party should obtain the ascendancy in the legislature, and have an opportunity of bringing their adherents to the capital. Had the Protestant portion of the inhabitants preponderated as much as the Catholic, the parliament might have been most usefully employed at such a juncture.

The inhabitants of the Pale are said to have been driven into rebellion, because, not having been allowed arms, and having been prohibited latterly from taking refuge in the capital, they could not oppose the native Irish, and therefore were constrained to join them. There was a proclamation judiciously issued, ordering all strangers, who had no pretext for resorting to the capital, to depart; but the lords of the Pale were, with others of the nobility, summoned to the capital, to be consulted with on the posture of affairs; and they refused to obey the summons, alleging that they were afraid of a massacre (Temple, p. 312). The information which led to the defeat of the government forces at Gellistown Bridge—a defeat which raised the hopes of the Irish to the utmost height—was given by Lord Gormanstown's groom, with his lordship's knowledge (Temple, p. 264; Borlase, p. 36); and yet this very nobleman was treacherously pretending to direct the English

from Belfast, by Lord Chichester, he laid before the Scottish parliament, while he sent an express with the intelligence to the English parliament, which had now assembled. Lord Chichester stated that, two nights before, certain Irish septs, of good quality in the north, whose object he could not conceive, but who were all of the Romish persuasion, had risen with force and taken Charlemont, Dungannon, Tonrages, and Newry—‘towns all of good consequence’—and, with these towns, had seized upon his majesty’s stores there, though they had only killed one man; that the farthest of those towns was only about forty miles from Belfast, towards which the rebels, who were increasing in numbers, now advanced; and that he had prepared the troops and given orders to the inhabit-

commander in his intended attack upon the rebels (Carte’s *Ormonde*, p. 241). It is ever the pretext of men, that they were forced into illegal courses. But if it had been well founded here, the Pale would not have so eagerly adopted the principles of the natives, and carried them to such lengths. At first 1700 stand of arms were distributed amongst them, and commissions against the rebels granted to them: yet even then their conduct was to the last degree equivocal; and fortunate it was that 950 stand were recovered: still they soon found arms for rebellion, though they had none for defence of the government. Indeed, every day men who had been trusted went over to the rebels. See Clanrickarde’s *Memoirs*, in regard to some of his own relations. The Pale complained of, and assumed it as a ground of rebellion, the enmity which had always been borne to them by Sir William Parsons, who, forsooth, maligned them the graces, and had prorogued the parliament to prevent their passing. But it is singular that while the Irish committee, who were chiefly Catholics of the Pale, had objected to the appointment

of Ormond, and Lord Dillon, of Kilkenny West, they had approved of this individual—the most conclusive answer to their allegations, and all Carte’s charges. Indeed, it is only necessary to consider that, had the Pale been armed and trusted, and joined the insurgents, Ireland would have been lost—to disregard all the unsupported charges against this individual in particular. But I do not mean to say that his religious notions were not confined; yet, it must be confessed that the Popish religion, from depending on foreign powers, whose interest it was to encourage them to shake off the English yoke, was most dangerous. Were we even to suppose him too cautious, there would surely be an excuse for him.

I shall just make an observation on Lord M’Guire’s relation, which he delivered to Sir John Conyers, lieutenant of the Tower, and which Carte depends so much upon. That it contains much truth is undoubted; but that it was written for any object rather than from compunction, is evident from this—that on the scaffold he declared his approbation of the conspiracy. It should therefore be received with allowances.

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ants for defence. When this letter was read, his majesty stated, that if, as he trusted, this should prove a small matter, there would be no occasion to apply to them; but that if it happened to be a great affair, then he confidently relied on their assistance: that it was proper to ascertain how foreign states stood affected; and he believed there was no reason to apprehend danger from their aiding the Irish; for that France was bound to him in strict amity, besides being engaged in hostilities with Spain: that from Spain there was still less danger, since she was so completely occupied in war, particularly with France, Holland, and Portugal. The parliament, however, appointed a committee to meet that afternoon on the business, and report the result of their deliberations to the House next day. Their report, which was made accordingly, and adopted, does them credit:—That Ireland being wholly dependent upon the crown and kingdom of England, their interference in this business, without the authority of the English parliament, might give rise to jealousy and mistakes regarding their intention: that the present imperfect accounts did not even warrant the adoption of any particular course for suppressing the insurrection, and his majesty had properly dispatched messengers to Ireland to ascertain the truth and extent of the mischief, while he had also sent an express to the English parliament: that should the affair turn out to be of that magnitude as to require their assistance, and the English parliament should ask it to co-operate with their troops, the Scottish forces could be ready as soon as theirs; but that if, after resolutions taken by his majesty, with the advice of both parliaments, present assistance should be deemed necessary, they would prepare it with all imaginable speed. Though, however, the parliament wisely abstained from adopting any measures relative to this affair, which must have had the effect of exciting jealousy, and involving the two kingdoms in a quarrel, it was not idle in ascertaining the extent of the assistance

which could be rendered to the sister kingdom. A committee was appointed on the 29th, to ascertain what boats and other vessels could be procured on the west coast for transporting troops; and, on the 30th, the committee reported, that between Glasgow and Ayr there were vessels sufficient to carry over four or five thousand men, besides what might be obtained to the north of Glasgow.* This evinces their alacrity; and, in a few days afterwards, when the accounts of the extent of the rebellion, with the evils which accompanied it, were more precise, they reduced their proposals to proper form, offering to levy eight regiments, consisting of 10,000 men—2500 of them from the Highlands, and 7500 from the Low country; and also to supply instantly 3000 stand of arms, two-thirds muskets, and the other third pikes, provided the English parliament would engage to indemnify them.† This sufficiently testifies their zeal; and it has been justly observed, that had their offer been accepted, the Irish rebels might have been quickly reduced. But it has been forgotten that England had by this time given orders for raising 6000 foot and 2000 horse; and that, therefore, as these could be as soon in the field as the Scots, a small supply from Scotland, to be sent into Ulster, was deemed sufficient. At first, therefore, they asked 1000 only; but when they resolved upon raising 10,000 themselves, they requested first 5000, and then 10,000, from Scotland.‡ The grand obstruction arose from the subsequent disputes between the king and the English parliament. An army, of which he nominated the officers, never could be trusted; and as he would not renounce his right while the parliament was equally resolute, there seemed to be an obstacle to any armament from the south. In that case it would have been necessary to consign the defence of Ireland to

* Late publication of *Scots Acts*, vol. v. p. 442 *et seq.*; Balfour's *Diurnal*, MS. Adv. Lib. pp. 128, 129, 134 *et seq.*

† Balfour's *Diurnal*, p. 143.

‡ *Parl. Hist.* vol. ii. p. 923 *et seq.*; *Journals*, 18th Nov.; App. to Evelyn's *Memoirs*, 'Private Correspondence with the King,' p. 39.

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the Scots, who had determined that the colonels should be nominated by the king and parliament, or, in the interval of parliament, by the king and council ; (we shall immediately see that the council had been rendered independent of the crown ;) but this would have, in a measure, placed Ireland in the power of Scotland ; and in the event of any interested union with their common king, that people might have compromised the rights of England over the island entrusted to them. Indeed, nothing could be more preposterous than an arrangement which gave the Scots the whole military power of the empire, as well as of Ireland in particular, while the English were at the whole expense of the armament. But no arrangement could be completed with the Scottish parliament, which was dissolved on the 17th of November ; and, therefore, the business was devolved upon the committee, who were appointed as conservators of the late treaty, and with whom negotiations and arrangements occurred, which we shall relate in their proper place.

Settlement
of Scottish
affairs, and
departure
of the king.

Charles had, on his arrival in Scotland, proposed at once to ratify all the acts which had been formerly passed by the parliament and stipulated for in the treaty ; but though some at first imagined that this augured favourably of his disposition towards his native country, the quicker-sighted, who perceived that a ratification implied their previous invalidity, insisted that they should be published only in the royal name, and not ratified.* Those acts, with others now passed, were great concessions to public liberty. The institution of lords of the articles was abolished : the creation of Englishmen peers of Scotland, who had not a foot of land in that country, and were therefore ever ready to grant their proxies to the crown, was restrained to such only as had landed property in that kingdom of a certain yearly value ; officers of state (with the exception of the chancellor),

* Baillie, vol. i. p. 325 ; see *Scots Acts*, vol. v.

and younger branches of the nobility, were prevented from intruding themselves as members of the parliament, unless they had a right of seat there, either as peers or representatives of shires or boroughs; and the representatives of shires made now a vindication of their rights, which counterpoised the peerage: for though every shire sent two members, both had only voted as one; but they insisted at this juncture, and carried their point, that each should vote. It is impossible, however, to satisfy all interests: the younger branches of the nobility were offended at their exclusion,* and the augmentation of votes by the barons or representatives of shires alarmed the boroughs for their own influence, since it was not improbable that landowners, both of the Peerage and the Commons, should feel it to be their interest to unite against the independence and interests of the other parts of the community.

The Presbyterian church government was also fully confirmed. But the grand struggle regarded the election of officers: the Scots had proposed it in the treaty; but Charles had then evaded it on the principle of his intending to visit his native country when he hoped to give satisfaction. How he had tried to defeat all their objects we have already seen; but, as his designs failed, they recoiled upon himself, and he found it necessary to yield at last. It was provided that all the principal officers of state, the privy councillors, the judges, &c., should be elected by the king, with the approbation of the parliament—an act which really vested all the power in the last; or, in the intervals of parliaments, by the king and council, subject to the approbation of the next parliament; and that they should hold their places during life or good behaviour.† This at once struck deeply at the regal power; and it must be confessed, that the scramble

* Baillie, vol. i. p. 328.

† Balfour's *Diurnall*; *Scots Acts*, vol. v.; Baillie's *MS. Letters*, vol. ii. p. 1288: many instances of similar

elections of a recent date may be found there. Printed Copy, vol. i. p. 138.

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for office which ensued did not augur favourably of the measure. But as Charles had not yielded to this and the other Scottish demands, except as a matter of necessity, so even at the last he was with difficulty prevented from a trick by which he conceived he might render his concessions nugatory—going to the parliament, and protesting that what he had granted should be without prejudice of his prerogative.* Nor did he even leave Scotland without secret assurances that the present measures should be annulled.

By the late treaty there were certain provisions adopted for the benefit, tranquillity, and safety of both kingdoms: that in the event of invasion, each should assist the other; that neither should declare war against the other without the consent of their respective parliaments and due premonition; and that if any portion of the subjects in one kingdom, without the consent and authority of their parliament, invaded the other, they should be reputed and treated as rebels to the state which they belonged to, while both parliaments should be bound to concur for their suppression;† and that both parliaments should be consulted in all treaties and matters of peace or war with foreign states. Commissioners were to be chosen to preserve the articles of treaty during the intervals of parliament; and the Scottish estates now elected theirs, when a commission, with the approbation of the parliament, was granted to them by the king. The integrity of part of the late commissioners in resisting tempting offers from the crown, had been doubted, and others were chosen in their place. These conservators were, as we have said, also authorised by the states to treat about a supply of forces to Ireland.‡ The parliament, before its

* Baillie's *Let.* vol. i. p. 336. 'This dangerous novelty,' says this author, 'of casting all loose, his majesty at last was moved to give over, most by Morton's persuasion.'

† This appears to me to be the fair construction of the article; but

another was attempted to be put upon it in order to engage the Scots. I believe that it was purposely expressed inaccurately, that it might be capable of different constructions.

‡ Balfour's *Diurnall*.

dissolution, appointed another to meet within three years.

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Charles, at his departure, seemed disposed to conciliate a country which he had so lately determined to reduce by fire and sword to the most deplorable subjection. Of the church lands which had lately reverted to the crown on the dissolution of bishoprics, &c., he bestowed a small portion on the universities, but the greater part he distributed amongst the nobility; a proceeding which, however pleasing to that class, was resented by the clergy, who had anticipated the property as part of the patrimony of the kirk. But that body discovered that their power, however great in the late contest with the crown, was nerveless in a selfish struggle with the aristocracy. Yet Charles did not altogether neglect them; the livings of Henderson and others were considerably improved. To gain the aristocracy farther, he distributed honours with a liberal hand. Lord Loudon, who was appointed chancellor, was created an earl; Argyle was made a marquis; Leslie, the general, earl of Leven; and the lieutenant-general, earl of Callander, &c. The premature death of Rothes only prevented his promotion; and Balmerino, who had sat as president of the parliament, was the only nobleman who was passed over without any mark of the royal favour, on the principle that he had been ungrateful for his former pardon. Many knights were created; and as some of the judges were removed for malversation, Johnston of Warristoun was raised to the bench.*

In return for these acts of bounty, the states virtually passed from the trial of the incendiaries and of Montrose (an individual whose safety Charles was so deeply concerned for, that he had resolved not to quit Scotland without securing it); for while they appointed commissioners to inquire into the guilt of those men, they limited the powers of the commissioners to inquiry, and

* Balfour's *Diurnal*; *Scots Acts*, vol. v. pp. 426, 453, &c.; Baillie's *Let.* vol. i. pp. 333, 334.

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transferred the power of acquitting or condemning to the king. They also proposed to raise ten thousand men for the recovery of the palatinate; an object which the king declared he had much at heart.*

We are informed by Clarendon, that the old general, on receiving this high honour from his prince, assured his majesty, that, far from ever bearing arms against him more, he should always be ready to fight in his service without inquiring into the cause; and that many others also whispered, that as soon as the present storm was past, they would reverse whatever had been unreasonably extorted from him.† This affords a clue to the royal policy. However Leslie, a soldier of fortune, may have acted, it is evident that Argyle and the rest of the party in power were not amongst the number who whispered in that manner into the king's ear, since their only security depended upon a continuance of the present state of things; and the choice of conservators of the treaty proved the cautious prudence with which they acted; but that there was a party (of whom we may presume Montrose the chief) to whom Charles eagerly listened, who made these magnificent promises, cannot be doubted; and, therefore, we must conclude that the monarch had only yielded to the desires of the Scots for a season, to lull them into a false security.

English
affairs.
Parlia-
ment re-
assembles
on October
20th. Its
measures.

It is now high time to return to our narrative of English affairs. Parliament had scarcely met on the 20th of October, after the adjournment, when a new bill, the others having been dropped, was introduced into the Lower House, and passed with the utmost expedition, for taking from the bishops all temporal jurisdiction, with the vote in parliament. It was expected to encounter as little opposition in the Upper House, except from the spiritual peers; and that these might not frustrate the bill, the Commons solicited a conference with the Lords, at which

* Balfour; *Scots Acts*, vol. v. pp. 428-453, &c.; App. to Evelyn's *Mem.*

† Clarendon, vol. ii. p. 309.

they contended that the prelates were not entitled to vote upon a question which so immediately concerned them ; and particularly that the thirteen who were impeached, should not be permitted to act as legislators, while they lay under a heavy charge of having violated the fundamental laws of the land. There were at this time five vacancies ; and as these, with the thirteen impeached, formed so great a proportion of the whole, all the popular party laboured to prevent the places being filled in time to oppose a bill which, in a manner, annihilated the office. The court party argued vehemently that it was against the usage of parliament to receive a second bill in the same session, when one for the same purpose had been already rejected ; but the objection, though encouraged from the throne, does not appear to have been very successful in either house.* A motion was likewise made in the first days of their meeting, about the nomination of counsellors, and public officers of all descriptions, with the consent of parliament ; and, in spite of all the eloquence of Hyde and his party, a committee was appointed to prepare the heads of a bill to that effect. Nothing can more fully evince the crisis at which, since Charles was resolved to resist both points, matters had arrived. His conduct it is now necessary to narrate.

The king had previously suggested a way of sowing dissension between the two Houses ;† and, in spite of his pecuniary situation, he had been most solicitous for a pretext to procure a prolongation of the adjournment. The plague, which appears to have been in those days never altogether extinct in the metropolis, had broken out furiously during the recess ; and some members of the parliament, apprehensive for their own safety, had ex-

The king's
conduct.

* Append. to Evelyn's *Memoirs*, 'Correspondence between the King and Nicholas,' pp. 43, 45, 47, 50, 68 ; *Journals* for 22nd October ; *Old Parl. Hist.* vol. x. p. 8 *et seq.* ; Cobbett's *Parl. Hist.* vol. ii. p. 916 *et seq.* ; Rush.

vol. iv. p. 393 *et seq.* ; Nalson, vol. ii. p. 493 *et seq.* ; Clarendon, vol. ii. p. 302 *et seq.*

† Appendix to Evelyn's *Memoirs*, 'Correspondence between the King and Nicholas,' pp. 18, 43.

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pressed a wish for a farther adjournment. But as the act for tonnage and poundage expired on the first of December, and the duties were absolutely requisite for public exigencies, unless unconstitutional ways of raising money were again resorted to, the ministers were anxious for the meeting of the legislature at the appointed time. Yet Charles no sooner heard of the wish expressed by some members, than, unmindful of his pecuniary necessities, though these alone had been the cause of a parliament, he instructed his servants 'to further the adjournment by anie means.' There were some who wished an adjournment to some other place; and the king proposed that it should be Cambridge, in the event of a change of place being only agreed to.* His instructions were sent about the middle of October. But the popular members were not to be deterred from their duty, and the royal hopes were frustrated. The king, however, gave orders to fill up the vacant bishoprics, and to draw a general pardon for the thirteen prelates who were impeached, that they might be at once freed even from a trial; while he also desired a full attendance of all the Upper House, and was anxious to defeat the Commons in their scheme for excluding the Popish lords.† His correspondence also not only evinces the utmost solicitude to screen the conspirators in the army-plots from inquiry, but breathes a spirit of vengeance against the Commons for continuing the investigation into the second plot, and refusing to allow the conspirators the benefit of the act of oblivion.‡

The committee that had been appointed to act during the recess, reported the occurrences of the intervening period, and the Scottish Incident was generally regarded

Farther
proceed-
ings of par-
liament.

* Append. to Evelyn's *Memoirs*, pp. 37, 39.

† Appendix to Evelyn's *Memoirs*, 'Correspondence between the King and Nicholas,' pp. 21, 22, 24, 29, 31, 32, 37, 44-47, 57, 66, 67. In one of his *apostiles* he says, 'I command

you to send in my name to all those lords that my wyfe shall tell you of, that they faile not to attend at the downe sitting of the parliament' (p. 44).

‡ Append. to Evelyn's *Memoirs*, pp. 7 of seq., 25-27, 45, 75.

as a serious ground for alarm. Besides that it had proceeded from the same monarch who had for so long a time endeavoured to subvert the fundamental laws of three kingdoms, and whose disposition it proved, as much as the army-plots, to be unchanged, it was believed with reason that the designs in the North were immediately connected with similar projects against the freedom of his southern subjects; and the common fears were augmented by the number of disorderly people who, in consequence of the late disbandment, flocked to the capital, where they broke out into riot and committed other outrages. It was therefore deemed necessary to have a guard appointed for the protection of both Houses, and Essex was commanded to provide one, while the examination into the second army-plot was continued, and daily brought the enormity of the case more fully to light. The Irish rebellion, which so soon followed, struck still greater dismay; and, as was to have been expected, in this state of agitation, silly rumours of imaginary plots engaged the public attention.*

The news of the Irish rebellion were communicated by the privy council to the parliament on the 1st of November; and both Houses, while they voted a reward to O'Conally, passed ordinances, without waiting for his majesty's approbation, to raise troops, borrow money from the City, and send arms from the Tower to the Irish government, in order to quell the insurrection. The message from Charles, recommending the Irish business to their care, arrived within a few days, and a bill was introduced into the Lower House for pressing troops; while orders were transmitted to the lord lieutenant for Ireland, to lose no time in raising volunteers.† He, however, doubted

* App. to Evelyn's *Memoirs*, 'Correspondence between the King and Nicholas,' p. 40; *Old Parl. Hist.* vol. x. p. 1 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 912 *et seq.*; *Journals*, 22nd Oct. *et seq.*; Rush. vol. iv. p. 391.

† *Journals*, 1st Nov. *et seq.*; *Old Parl. Hist.* vol. x. p. 24 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 925 *et seq.*; App. to Evelyn's *Mem.* p. 54; Rush. vol. iv. p. 398; Nalson, vol. ii. p. 513 *et seq.*

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whether the mere authority of both Houses was sufficient to justify the measure ; * and nothing was farther from the intention of the king than to devolve such powers upon them. 'I send you,' writes the queen to Nicholas, on the 12th of November, 'a lettre for milord keeper, that the king ded send to me, to deliuer it if I thought fit. The subject of it is to make a declaration against the ordres of parliament, which ar made without the king. If you beleue a fit time, give it him ; if not, you may keepet till I see you.'† The Houses, deeming their joint ordinance a sufficient warrant, ordered the lord lieutenant to proceed in the levy. Almost at the outset the popular party ascribed the Irish rebellion to the effects of evil counsel.‡

The
Remon-
strance.

But the grand question which occupied the attention of the Commons, before the king's return, was the famous Remonstrance, or Declaration, of the state of the nation. This state paper contained a full recapitulation of all the grievances and acts of misgovernment that had been committed from the first of the reign ; and, in fact, presented the most frightful picture of despotism ever exhibited in any country where law or liberty was respected. All the grievances were imputed to the effects of evil counsels, which his majesty evinced no disposition to discard, as, instead of nominating his ministers by the advice of his grand council the parliament, he still affectionately clang to those from whom so many waters of bitterness had flowed. The popular party had hitherto been so successful, that they had not anticipated much opposition here ; and had it passed easily, they could have pressed their bill about the appointment of public officers with almost irresistible effect ; but the result proved that they had over-calculated their own strength. Such was the opposition, that the debate continued from three in the afternoon till three next morning, while there were two

* *Journals*, 9th Nov.

† App. to Evelyn's *Mem.* p. 72.
Page 61 shows what anxious corre-

spondence subsisted between the king and queen.

‡ *Id.* p. 62.

several divisions of the House on particular clauses ; and the Declaration, as amended, was ultimately carried by only 159 to 148. Even then another serious question arose. It was moved that the Declaration should not be *printed* without the particular order of the House ; and as this evidently implied an intention to print it, should the measure not be averted by timely concession from the throne, the court party, who dreaded the consequences, proposed that the word '*published*' should be substituted for '*printed*.' But the amendment was lost by 101 to 124 ; a diminution in numbers which evinces the justness of Clarendon's remark, that the old members, exhausted with the length of the debate, had left the house ; but then it applies to the one side as well as to the other, which he would have restricted it to. When this last point was carried, Mr. Hyde, according to a previous resolution which had been formed by him and his friends, and intimated to the ministers of the crown, proposed a protestation,* and many joined him. The proceeding, however, was deemed an infringement of the rules of the House, and occasioned such an uproar, that, we are told, horrid bloodshed was only prevented by a hasty adjournment, which was accomplished, says Warwick, 'by the sagacity and great calmness of Mr. Hampden.'† A motion was next day made for the committal of the protesters to the Tower ; but the measure was dropt on their submission.‡

The reasoning of the court party on this occasion appears to have been to this purpose : That it was offering an uncalled insult to the king to enumerate grievances

* App. to Evelyn's *Mem.* p. 80. Nicholas writes that it was then midnight ; the Commons had been engaged 'since 12 at noone ;' that his indisposition prevents him from watching longer to see the result, but that there are 'diverse in y^e com'ons house that are resolved to stand stiff for reiecting that declarac'on, and if they p^evayle not then to protest

against it.' Hence Clarendon's is not quite candid.

† Warwick, p. 202.

‡ Clarendon, vol. ii. p. 301 *et seq.* ; Whitelocke, p. 51 ; Append. to Evelyn's *Mem.* p. 65, 77, 80 ; *Old Parl. Hist.* vol. x. p. 44 *et seq.* ; Cobbett, vol. ii. p. 937 *et seq.* ; *Journals*, 22nd Nov.

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and miscarriages which had already been redressed : That much was said about the illegal acts of the courts of Star Chamber, High Commission, and other tribunals ; but that his majesty had afforded the most signal proof of a purpose to govern constitutionally in future, by consenting to statutes abolishing entirely the arbitrary courts whose proceedings had been complained of ; and that to enumerate matters of this kind could only serve to inflict a wanton wound upon the sovereign, and inflame the populace against him : That, in like manner, the people had justly complained of arbitrary taxes, but, as a legislative remedy had already been provided against the recurrence of such evils, it was the mere wantonness of insolence to dwell on them now : That the grand cause of the public calamities had been the disuse of parliaments ; but that, in the triennial bill, the noblest remedy had been devised for the evil, and his majesty had testified the goodness of his nature, by readily passing an act which secured the national privileges in future : That to demand more would be in reality to dethrone the sovereign—to rob him of his birthright, and to subvert that monarchical constitution which the popular party laboured so assiduously to prove had been invaded on the king's side : That the royal consent to so unjust a sacrifice could not be expected, and the attempt to extort it would, in all probability, be accompanied with the most deplorable mischief, while even if the concession were made, it would be so far from promoting the public good, that it would unhinge all those legal principles on which mankind had hitherto depended, and thus lead to general anarchy.

The view taken by the other side appears to have been this, That the enumeration of miscarriages and grievances was necessary to satisfy both the king and people, that parliament was neither insensible of the national rights, nor yet unprepared to vindicate the common privileges : That, from past misgovernment, it was easy to foresee that the future administration from the same source,

would, if unrestrained, be no less unconstitutional: That it was an absurdity to talk of security from the late laws, which declared the various proceedings complained of to be illegal; since he, whom no former law, nor all the fundamental principles that had been established for so many ages, and fortified by the petition of right, could restrain, could not be expected, when he perceived himself liberated from his present difficulties, to deem himself bound by later enactments to which his consent had been evidently extorted: That he fully evinced his disposition, not only by retaining the counsel from whence so many oppressions and calamities had sprung, but by the army-plots and the Incident, which were calculated at once to destroy the freedom of parliament, nay, possibly, the persons of its members, and to substitute a naked despotism in the very face of those provisions for public liberty that had been so magnified: That it was true that the Star Chamber, High Commission, and other unconstitutional courts were put down; but that it might fairly be inferred, from the reluctance with which the monarch had consented to their dissolution, coupled with his designs against the parliament, that, under the pretext of his will having been forced, he would embrace the first opportunity to restore them: That, however, it was a matter of indifference whether they were restored or tyranny appeared in a new form, since nothing was more certain than that an arbitrary government must employ arbitrary means to compel obedience: That the act for triennial parliaments would necessarily fail of any beneficial effect, because if a parliament were permitted to assemble, it would find itself bereft of parliamentary powers: That it was a contradiction in terms to say that parliament possessed the legislative power, and yet could not adopt measures for the due execution of its enactments: That it was alone entitled to impose taxes, and yet had no right to interfere with the application of the money: That as a good prince would never employ

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servants who had lost the confidence of his grand council, or take any important step without its concurrence ; so such a monarch might well be left to the choice of his ministers and other servants, since, in effect, the national council tacitly approved of his choice, and his whole government proved a disposition to uphold, not destroy the public privileges : But that, when the kingdom had already suffered so severely, and attempts of the most atrocious kind had been made to frustrate the late concessions, and restore the will of the prince for the law of the land, parliament was bound to interfere directly for the general security : That, in short, matters had arrived at such a posture, that the grand council had reason to believe that the very money granted for the exigencies of state would be used to raise an army in order to reduce the kingdom to slavery, when terrible vengeance would be visited upon those who had stood forward in defence of the public rights ; and the question was, whether they would be discharging their duty, either to themselves or the community, by standing upon small distinctions in such an hour of danger ? That the complaint by the king that his prerogative was invaded, ought to be disregarded, since his power was given for the public good, and by his violation of the principles on which he was entitled to govern, he had really forfeited any plea founded on the right of inheritance—had in fact compelled the people to resort to new regulations in their own defence.

Such appear to have been the leading views and arguments on both sides, and those used by the court party gained many on whom the popular party had relied. Others, who began to apprehend that there was a faction bent on something more than a redress of grievances, and that their measures might subvert exclusive privileges elsewhere, also joined the court party ; some dreaded to irritate the monarch farther, and others again were actuated by more impure motives. That, of the popular party, there were not a few who themselves coveted that

power which they disliked in the monarch, subsequent events too amply verified: That all were alarmed for the concessions which had been extorted in favour of public liberty, and even for their own safety, unless the power of the crown were much farther abridged, is perfectly evident, and indeed was a necessary consequence of the long course of misgovernment, the late plots, and, in short, of the numerous instances of perfidy by the monarch. Of this we have a sufficient proof in the declaration which Oliver Cromwell—a man who cannot be justly accused of timidity—made to Lord Falkland, on the day after the Remonstrance was voted, ‘That had it not been carried, he would have instantly sold all he had, and gone to America, and that he knew there were many other honest men of the same resolution.*

The Remonstrance was voted on the 22nd of November, and Charles arrived from Scotland on the 25th. On his journey he was, according to previous assurances, received at York and other towns with every demonstration of joy, and matters had been arranged for a magnificent reception in the metropolis.† Court influence, owing to the dexterity of one of the sheriffs,‡ had procured the election of one Gourney or Gurney, a keen royalist, who longed for an opportunity to testify his extreme attachment to the king, and, according to a previous understanding, the royal reception was the most marked ima-

King's
arrival.

* Clarendon, vol. ii. p. 312. Oliver imagined that it could scarcely provoke a debate, so unanimous did he expect that the House would be (p. 311).

† Nicholas's Correspondence with the King, in the Appendix to Evelyn's *Memoirs*, affords some curious information on this subject.

‡ Appendix to Evelyn's *Memoirs*, p. 31. ‘Alderman Gourney,’ writes Nicholas, ‘(according to his right and place,) is elected Lo. Mayor notwithstanding y^e opposit^{on} of y^e factious party, through y^e stoutnes

and good affect^{on} of one of y^e new sheriffs (called Clerck) who, while y^e factious persons were making a noyse, would not proceede to y^e elecc^{on}, proposed Ald^{man} Gourney (who, I hear, is very well affected, and stout), and carry'd it, and y^e Schismatics (who cryed noe elecc^{on}), were silenced with hisses, and thereupon y^e sheriff dismiss^d y^e court.’ 5th 8th. (See about the choice of the sheriffs, p. 6; Rush. vol. v. p. 429 *et seq.*; Clar. vol. ii. p. 322; Nalson, vol. ii. p. 674 *et seq.*)

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ginable. His lordship and the recorder were knighted for their loyalty.

The commission to Essex expired on the king's return, and his majesty instantly ordered the dismissal of the guard, which both Houses had ordered under that nobleman's command for their own security; but Charles at the same time intimated, that, for their satisfaction, he had ordered Earl Dorset to attend upon them for a few days with some of the trained bands of Middlesex. This was warmly taken up in the Lower House, where it was alleged, that, after the detection of former plots and the Scottish Incident, the number of suspicious persons about the capital, advertisements of danger from abroad, but above all the Irish rebellion, which burst out so unexpectedly, they could not be safe without a guard; and that it was neither consistent with the dignity nor security of parliament to be guarded by any that were not under their own control. They therefore refused to be guarded by any body of men under the command of Dorset, and petitioned for liberty to appoint a guard themselves under the command of Essex; but the Upper House in this, as in other respects, refused their concurrence. Tumults about the parliament ensued, and the lord keeper informed them that it became necessary for them to suppress those disturbances, lest their proceedings should lose the character of unconstrained deliberations in after times; yet, on the day following, Charles himself, on passing the bill for tonnage and poundage, informed them that he did not expect fears and jealousies as the result of his concessions; that these might have been excusable in his absence, but were unbecoming now that he was present to defend them.*

The Remonstrance was presented by a committee of the Commons on the 1st of December, and along with it

* Rush. vol. iv. p. 434 *et seq.*; Nalson, vol. ii. p. 684 *et seq.*; *Journals*; *Old Parl. Hist.* vol. x. p. 51 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 941.

a petition, in which they prayed that the prelates should be deprived of their vote in parliament; that his majesty should entrust the public affairs to such only as the parliament approved of, and that he would not alienate any of the lands in Ireland which might be forfeited by the rebellion, but reserve them as a fund for the support of the crown, and the indemnification of the kingdom for the expense of the war. Charles received the committee graciously; but, while he threw out an observation against the propriety of driving the Irish insurgents to despair by any resolutions relative to their property, and expressed his abhorrence against any design to subvert the Protestant faith—a ground of complaint in the Remonstrance—he required time to answer both papers. He eagerly, however, inquired whether the Commons meant to publish the Remonstrance; but the committee declined to answer a question beyond the power of their commission. In the answer which he afterwards formally made to the petition, he expressed his aversion to utter any resolution regarding the property of the Irish rebels, from the motive stated above; and it had the unhappy effect of augmenting the belief that he encouraged the rebellion.* It formed not only a contrast with his former measures relative to Scotland, but seemed to accord with the new law lately promulgated in the neighbouring isle on the very subject of forfeitures.

The affairs of Ireland daily became more desperate, and men's passions in Britain more inflamed with the events in that kingdom. Charles therefore recommended to both Houses to hasten their preparations, and informed them that the Scottish commissioners were ready to treat with them relative to assistance from Scotland. Commissioners were appointed to negotiate with the Scottish;† but, in

* Nalson, vol. ii. p. 689 *et seq.*; Rush. vol. iv. p. 452; *Old Parl. Hist.* vol. x. p. 54 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 942 *et seq.*

† *Old Parl. Hist.* vol. x. p. 92 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 966 *et seq.*; Rush. vol. iv. p. 454 *et seq.*; Nalson, vol. ii. p. 719 *et seq.*

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the meantime, the English preparations were stopped by the delay of the Upper House in determining the fate of the pressing bill. The Commons, who had previously resolved that the officers should be nominated by the lord lieutenant, with the approbation of both Houses, appointed a council of war, and had even entered into a resolution to make Essex captain general of all the trained bands to the south of the Trent, and Lord Holland to the north, with power to appoint officers, the two commanders being removable only at the discretion of parliament. Other resolutions, as about the Isle of Wight, tended to the same object.* And on the 7th December, a bill was introduced into the Lower House by Mr. Solicitor-General St. John, for vesting the whole power of the militia, by sea and land, in commissioners to be appointed by parliament. This bill, in spite of a violent opposition from the court party, was once read. This was just transferring the command of the military from the king to the parliament; but as the result of their investigation of the army-plots had been so black, the measures seemed to be demanded by the necessity of the case. In the Upper House, however, Charles had always had a strong party. The prelates clang to the throne in self-defence, as well as from the feeling that all the patronage and promotion of their class flowed from it. There were lords popishly affected, whom, as we have seen, Charles was anxious to prevent being excluded, and they naturally adhered to the crown, while the number attached to the court by offices, &c., was not inconsiderable. In this way the motions of the Lower House were checked, and matters had proceeded so far, that, on the 3rd of December, the following clause appears in the Journals of the Commons:—‘This committee is appointed to prepare heads for a conference with the Lords, and to acquaint them what bills this House hath passed, and sent up to their Lordships, which much concern the safety of the

* *Journals of the Commons*, vol. ii. *et seq.*; Clarendon, vol. ii. p. 330 *et seq.*
p. 304 *et seq.*; Nalson, pp. 608, 524

kingdom, but have no consent of their Lordships to them ; and that the House being the representative body of the whole kingdom, and their Lordships being but as particular persons, and coming to parliament in a particular capacity, that if they shall not be pleased to consent to the passing of those acts and others, necessary for the preservation and safety of the kingdom, that then this House, together with such of the Lords as are more sensible of the safety of the kingdom, may join together, and represent the same to his majesty,' &c.* While, too, they delayed the bill for pressing soldiers, by which the rebellion was permitted to rage without the prospect of immediate check by military power from England, they, at a conference with the Commons about the supply of troops from Scotland, proposed to stipulate that Scottish assistance, to the extent of 10,000, which the Scots undertook to ship free of expense, should not be accepted unless an equal quota of troops were sent from England. The Commons insisted that such a stipulation was contrary to the usage of parliament ; but that their Lordships were already apprised of their vote for 10,000 English. The Lords, however, only concurred provisionally—that an equal army should be sent from England.†

The bill for pressing contained a clause against the illegal usurped power which had been so calamitously exercised by this prince—of pressing the free-born subject at his pleasure, by which the vengeance of the crown could be let loose upon the highest in the kingdom ; and Charles, who knew the value of the power, was determined not to renounce it ; though it is not improbable that he was in this actuated by other motives, and particularly by the consideration that it had been resolved that the army thus raised was to be commanded by officers virtually appointed by both Houses. One concession leads to another. While

* *Journals.*† *Old Parl. Hist.* vol. x. p. 119 ; *Cobbett's Parl. Hist.* vol. ii. p. 981.

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Charles
commits a
breach of
parlia-
mentary
privilege in
regard to
the bill for
pressing
soldiers,
December
14, 1641.

the bill, therefore, depended in the Upper House, he came thither, and having summoned the Commons, informed them, that he understood such a bill depended before parliament. That it involved a question of importance—for which he was little beholden to the person who had begun the dispute—whether by virtue of his prerogative he might press men into his service? That this was an ancient right of the crown, and he was determined not to renounce it: That if the bill came to him without any infringement or diminution of his prerogative he will pass it, but not otherwise; and that, therefore, it would be necessary to insert a *salvo jure* or preservation of his right. This usurped power had already been pronounced illegal; and as it was inconsistent with every idea of liberty in the subject, so it really rendered every other provision in favour of it nugatory. But had the Commons halted now, they must have been held to have recognised it, and would consequently have exposed the first in the kingdom to the vengeance of the crown, under the form of what they had admitted to be law. They had, therefore, no alternative now. But the conduct of the king was so contrary to all parliamentary privileges, that, considering what had occurred on former occasions, it is scarcely to be imagined that this prince had profited so little by experience, as not to anticipate, in part at least, the result of this illegal interference with a bill depending before both Houses; and we may, therefore, conclude that he was actuated by deeper motives than a mere desire to have his assumed right preserved. He afterwards proposed, as a compromise, that 10,000 volunteers should be raised by him, provided the Houses would engage to support them; and as that would have evaded what the Commons were chiefly anxious for, and in fact had resolved upon—the appointment of the officers—it is likely to have been one view which influenced him and his secret advisers from the beginning. The proposal to raise the volunteers was made to the Lords, who zealously communicated it to the Commons;

and the latter resented it as an improper interference by the Upper House.*

This rash measure inflamed both Houses, and they immediately prepared a Remonstrance against such an invasion of their privileges; demanding, at the same time, the names of his advisers. Charles, in his answer, declared that he had no wish to infringe their privileges; that he was guided only by an ardent desire to further measures for the reduction of the Irish rebels; but that it would be unbecoming to name the individuals by whose counsels he had acted. The most moderate men were confounded at this ill-advised step; and the Commons instantly determined to print the Remonstrance, with the petition which had been presented along with it.

Other matters tended to hasten a breach. Charles published a proclamation for conformity to the established church and worship; and it was justly concluded that this announced a purpose, not only to refuse the general demand for the abolition of episcopacy, but a determination to enforce the ceremonies which were so much abhorred.† Sir Henry Vane had been dismissed from his office,‡ from no other apparent motive than the evidence he gave against Strafford; and Lord Newport, another material witness against that grand delinquent, was with some others accused by the king of having expressed a purpose of seizing upon the queen and her children, as pledges for their own security, should any attempt similar to the Incident be made against them. The Houses remonstrated against this, and Charles equivocated as to what had been uttered

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Remonstrance of both Houses against the breach of privilege, and the Commons print their grand Remonstrance.

King gives fresh cause of disgust and fear.

* *Old Parl. Hist.* vol. x. p. 99 *et seq.*; *Cobbett's Parl. Hist.* vol. ii. p. 968 *et seq.*; *Clar.* vol. ii. p. 325 *et seq.*; *Rush.* vol. iv. p. 457 *et seq.*; *Nelson*, vol. ii. p. 738 *et seq.*; *Whitelocke*, p. 50; *Journals of the Commons*, vol. ii. p. 361. Clarendon imputes this measure to the treacherous advice of St. John; but if it had been the fact, Charles would not have obsti-

nately declined to disclose the name of his adviser. Indeed, we learn from this very writer, that St. John had already declared that the power of the militia was not in the king, and had introduced the bill for vesting it in commissioners (p. 331).

† *Whitelocke*, p. 50.

‡ *Clar.* vol. ii. p. 323.

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by him; but Newport,* while he rose in the popular estimation, sank in that of the prince. In the meantime, Sir William Balfour was dismissed from the lieutenancy of the Tower, and one Colonel Lunsford was appointed to the place. The change produced general consternation. The only objection to Balfour was, that he had refused to betray the duty of his office, in conniving at the escape of Strafford, and was not less unfit for other unworthy purposes; but his successor was not only suspected, on fair grounds, of unsoundness in religion, but had been engaged in the first army-plot, was an individual of broken fortunes, as well as of the most desperately wicked character, having been formerly censured by the Star Chamber, under whose sentence he was still outlawed for the most deliberate attempt at assassination. This change too followed closely the resolutions by the Commons, that there had been a second attempt to debauch the army—that the royal favourite Daniel O’Neale was guilty; and that he, with other favourites, Percy, Jermyn, Pollard, Ashburnham, Berkley, Suckling, Davenant, &c., had been guilty in relation to the army of misprision of treason, and should be prosecuted for it accordingly. The latter, too, were expelled the Lower House, by which new writs for elections were issued.† The city took up the matter zealously: even the bullion in the Mint was not conceived to be safe under the command of such a character as Lunsford; and it was justly inferred that, since it was impossible to predict what additional strength he might secretly introduce into the Tower, the metropolis might be brought under his command. Petitions against his appointment were therefore presented to the Commons, who applied to the Lords to concur with them in moving the throne for the appointment of Sir John Conyers, should any lieutenant,

* Rush. vol. iv. p. 464 *et seq.*; Nalson, vol. ii. p. 781.

† Nalson, vol. ii. p. 754 *et seq.*; *Journals of the Commons*, vol. ii. pp. 333, 337. When these elections

were ordered, letters were sent to the different boroughs by peers, in favour of certain candidates; but the Commons entered into a spirited resolution against it.

while Lord Newport was constable of the Tower, be deemed necessary; but the Upper House, alleging that it belonged to the sovereign alone to command the forts, refused to interfere, and the Commons of themselves entered into very spirited resolutions upon the subject. Orders were given by them to Lord Newport, 'to lodge and reside within the Tower, and take the custody and guard of that place,' but he was immediately discharged from his office. The apprentices, in the meantime, threatened to attack the Tower, in order to drive out Lunsford, and Charles saw the propriety of dismissing him; but Sir John Byron, the person appointed his successor, was little more acceptable.* The Commons were likewise offended, and we may presume alarmed, at the appearance of a guard upon themselves. They, however, took effectual measures for its removal.

Immediately after the dismissal of Lunsford, but before it was publicly known, the citizens flocked down tumultuously to Westminster Hall, crying out no bishops, and Williams, who was on his way to the House of Lords, seized one of the mob whom he observed to cry against the hierarchy. But the young man's comrades so hemmed in the prelate, that he was obliged to let him go, and they all bawled out against bishops. At this time one David Hyde, 'a reformado in the late army against the Scots,' began to bustle, declaring he would cut the throats of those round-headed dogs (the origin of the term Round-heads, afterwards given so liberally to the parliamentary party), and drawing his sword, called upon some military friends to back him; but they declining, he was apprehended by the populace and complained of to the Commons, by whom he was committed, and deprived of the employment to which he had been appointed in Ireland.

* Rush. vol. iv. p. 459 *et seq.*; Nelson, vol. ii. p. 773; Clarendon vol. ii. pp. 332, 356. This writer tells that Balfour was very gracious to the Commons for the safe keeping

of the Earl of Strafford; but is not this an admission that there was a plot for his rescue? (*Old Parl. Hist.* vol. x. p. 120; Cobbett's *Parl. Hist.* vol. ii. p. 982).

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That very day Lunsford afforded a striking proof of his aptitude for mischief; having, at the head of about thirty or forty friends, sword in hand, attacked the citizens and apprentices who were near the parliament, and wounded many. The apprentices, hearing of this, came down to Westminster armed with swords, staves, and other weapons, and alarming tumults ensued. Lunsford, Hyde, and their party, now formed themselves into a sort of regular body against those whom they called the mob, and having been joined by a great number of soldiers of fortune, who had served in the late army, they not only violently assaulted the populace, wounding many, but began also to use menaces against the parliament itself.*

Answer to
the Remon-
strance of
the Com-
mons on
the state of
the nation.

To appease the public mind, to lessen the influence of parliament and gain a party, an answer was published to the Remonstrance. This answer was the secret production of Hyde, and certainly does credit to his talents. He alleges, with what sincerity may be questioned, that he had merely drawn it for his private amusement, but that having shown it to Lord Digby, the latter requested and obtained liberty to have it read to the king, and it having gained his majesty's approbation, was printed accordingly.† In this answer the king is made to decline any argument regarding the evils enumerated in the Remonstrance, or the laws enacted for redress of them, but to declare that he would preserve the great concessions which he had made, from a sincere purpose of meliorating the condition of his subjects to the utmost of his ability; and that, perhaps, the people might have a pious sense of the many blessings which they had enjoyed under his government for the last sixteen years, not only in comparison of other countries, but even of those periods of their own history that were accounted most fortunate: That

* Rush. vol. iv. p. 463. Clarendon (vol. ii. p. 338 *et seq.*) says that Williams would have been murdered, had it not been for the timely assist-

ance of some friends; but the statement derives no support from Rush.

† Clar. *Life*, pp. 44-85.

with regard to the popular fears and jealousies about their religion and civil rights, they were altogether unfounded; for that, as he was neither a favourer of Papists, nor unacquainted with the grounds of difference between the Romish and the English Church, so he would seal his faith with his blood: That he was resolved to maintain the present establishment; but that, as for some ceremonies, in themselves indifferent, he would not object to a law for the exemption of tender consciences, provided the measure were proposed with modesty and submission, and without discountenancing the decency and comeliness of God's worship: That he had, on the other hand, to complain of seditious and scandalous pamphlets and sermons, which, as they were a fit prologue to nothing but confusion, he was amazed to find had so many readers and hearers; and which it was, therefore, his province con- dignly to punish: That again, as to their civil rights and interests, he had, in those many excellent laws which had been passed in the present parliament, erected many monuments of his princely and fatherly care of his people: That with regard to his ministers, he neither had protected them, nor would in future; but that the right of choosing them which fell under his prerogative he would never renounce. 'If,' he is made to say, 'notwithstanding this, any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambition, under whatever pretence of religion and conscience—if they shall endeavour to lessen my reputation and interest, and to weaken my lawful power and authority—if they shall attempt, by discountenancing the present laws, to loosen the bonds of government, that all disorder and confusion may break in upon us—I doubt not but God in his good time will discover them to me, and that the wisdom and courage of my high court of parliament will join with me in their suppression and punishment.' He concludes with declaring his abhorrence of the Irish rebellion, and his invari-

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able desire to suppress it, which he had lately evinced by a message to the Lords, by which he proposed to raise 10,000 volunteers—a fact which he published to contradict the malicious whispers of some, that the preparations had hitherto been prevented by him.

This publication was calculated to make a great impression. The aristocracy began to be alarmed at the popular spirit which daily arose ; the salutary laws that had been passed were obvious to all, while the perpetual source of jealousy in the Commons might be overlooked. The prince who stands convicted of attempts to overturn the fundamental laws of his country, by means of the power which has been entrusted to him for the public good, and has repeatedly deceived his subjects after the most solemn engagements, justly forfeits their confidence for ever ; and even the late measures of Charles had inspired incurable jealousy in every reflecting breast. Nor could it be unknown to the parliamentary leaders, that, during his residence in Scotland, he had been hunting for the means of their destruction. No change of government could be expected from a prince that obstinately adhered to those counsels which had already proved so pernicious ; and his conduct in regard to the bill for pressing still evinced that he yet conceived it to be within the scope of his prerogative to force into his service whomsoever he pleased, which implied that the greatest patriots might in that form be objects of persecution. Add to this, that he was widely suspected of having been accessory to the Irish rebellion.

The impression which the answer to the Remonstrance might have made, however, was destroyed by other events. The cry against episcopacy daily increased ; and the prelates began to apprehend that the bill which depended in the Upper House for its abolition might be passed by the Lords when the royal assent could with difficulty be withheld. To maintain their ground, therefore, a most extraordinary course was adopted. It has been seen that Williams, on his passage to the Lords had

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been prevented from apprehending one of the populace whom he observed to cry out against the bishops, and he, with eleven more, alleging that their access to the house was obstructed, took a protestation against all acts which might be passed in their absence. This protestation was approved of by the king before it was presented by the lord keeper to the Upper House, to be by it communicated to the Lower; and, as it was consentaneous to the royal proceedings in Scotland, it ought rather to be ascribed to the continuance of the counsels that directed matters relative to that country, than, as the malice against Williams has dictated, to his individual violence. Even the lord keeper was equally culpable, in not opposing, as Williams in recommending it; nay, as the keeper's passion must be supposed cool, while the other's was inflamed, he was in that view infinitely the most criminal of the two. But the measure was intended to be of deeper consequence than Royalist writers admit; and they do the object of their admiration little credit by making him the senseless dupe of every interested or passionate adviser. He was bent upon a pretext for being freed from the parliament, and in that state of feeling was not scrupulous about the means. But surely, when it is considered on the one hand, that he obstinately refused the parliament liberty to appoint a guard, though he had ordered one for himself at Whitehall, and, on the other, that he permitted Lunsford and his followers to appear armed at Westminster Hall, we cannot readily admit an apology for his concurrence in a measure which was calculated to annihilate a parliament that was indissoluble without its own consent; for, if any body of men, by absenting themselves, could make all the proceedings of the legislature nugatory, it was absolutely extinct.*

Protestation of the bishops that this was not a free parliament, and that all acts passed in their absence should be null.

* Rush. vol. iv. p. 466 *et seq.*; Nalson, vol. ii. p. 794 *et seq.*; Whitelocke, p. 53, but he is not correct in date; Clarendon, vol. ii. p. 350; *Old Parl. Hist.* vol. x. p. 137; Cobbett's

Parl. Hist. vol. ii. p. 993. Compare the protestation with that concocted by the royal desire, and signed by the Scottish bishops.

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Bishops
impeached
of high
treason.

The result of this protestation probably disappointed both those who took and those who approved of it. Such was the indignation and outcry against the prelates, that it was immediately resolved upon to impeach them of high treason; and even those attached to the function, were so offended at the men for such a mark of indiscretion and criminality, that they would not interfere to save their persons. One gentleman alone feebly raised his voice against the impeachment, observing that, in his opinion, they were not guilty of high treason, but that they were stark mad, and should be sent to bedlam.* The impeachment was immediately voted; and the enemies of episcopacy were secretly pleased at an event that so fairly opened the way for the removal of the establishment. The bishops were accordingly impeached of high treason by the Commons at the bar of the Peers, and committed till the charge was prepared.

The Commons, at the same time, again requested the concurrence of the Lords, in an application to the king for a guard, and they supported their request with new reasons: that the prelates would not have ventured on so insolent and traitorous a measure, had they not been sensible that they would be well abetted in their design; and that the king had himself conceived it necessary at this juncture to appoint a guard for himself; and since the king's enemies were likewise the enemies of parliament, the guard on the one part implied its necessity on the other. But the Lords adhered to their former resolution, and the Commons petitioned the king separately. They stated that there had already been several attempts to bring destruction upon their whole body, while threats had been vented against particular individuals; that there was now a malignant party which daily gathered strength and confidence, and had arrived at such a height of insolent atrocity, that they had im-

* Clarendon, vol. ii. p. 353 *et seq.*

brued their hands in the blood of their fellow subjects, in the face, and at the very doors of, the parliament, and at his majesty's own gates, while they used the most violent and menacing language against the parliament itself. An answer to this petition was delayed.*

While men, having lost all confidence in the sovereign, justly apprehended new conspiracies of his fomenting against the parliament, it is not wonderful that they should have listened with trembling anxiety to groundless rumours. Such is the natural course of events, and to expect that, in the hour of real danger, people should calmly and scrupulously weigh evidence and balance probabilities, before they give ear to any report, would be to demand a philosophical coolness beyond the compass of humanity, and which would be found incompatible with the alertness that is necessary for the public safety. Were no precaution taken till the danger were proved, the mortal blow might be struck before the slightest provision was made against it. The late tremendous explosion in Ireland, under which so many thousands still suffered, afforded an awful warning to a people against whose own legislative assembly such plots had been devised. That unmanly terror which would lead a party to seek its security in the unjust prosecution of supposed adversaries, cannot indeed be too much condemned (and the disposition against the Catholic party, which, however, was dangerous at this juncture, rather savoured of this); but the prince, who had been already fully detected in conspiracies against the grand national council itself, had no right to complain of being suspected of similar designs; and the calm investigation of the army-plots was every way worthy of an English parliament. It is easy, however, to perceive the advantage which false alarms were calculated to afford the court party in extending the ridicule against them to those which were well-grounded; and authors,

* Rush. vol. iv. p. 471; *Old. Parl. Hist.* vol. x. p. 149 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 1001.

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whose object has certainly not been truth, have made a dexterous use of it in their relation of events. By them the groundless rumours, as well as the genuine plots, have been imputed to the fabrication of the popular members, as part of their system for keeping alive that feverish anxiety on which their influence was built; but, though it be not impossible that some of those members might not be averse to the existence of reports that augmented their power, there is no authority to justify the imputation against them.

We have already said that the answer to the petition for a guard was delayed; and it is remarkable that it was returned on the very day on which Lord Kimbolton, eldest son of the Earl of Manchester, and the five members of the Commons, Pym, Hampden, Hollis, Hazlerig, and Strode, were impeached of high treason. The answer, too, was tantamount to a direct denial, as Charles, while he affected to be ignorant of the cause of their fears, then agreed to give them a guard, only conditionally—provided it were under the command of an officer appointed by his majesty, instead of Essex, whom the Commons recommended. They ‘ordered that the lord mayor, the aldermen, the sheriffs, and common council be forthwith advised from that House, to direct that the trained bands of the city of London may be put in readiness for the safety of the king’s person, the city, and the commonwealth; and that, in the meantime, there may be strong guards and watches set at all places convenient about the city.’*

The impeachment of Lord Kimbolton and the five members of the Commons, January 3, 1642.

On that day, the 3rd of January, the attorney-general Herbert went to the House of Lords, and, in his majesty’s name, impeached Lord Kimbolton, a member of that body, together with the five members of the Commons, of high treason on the following grounds: That they had traitorously endeavoured to subvert the fundamental laws,

* This appears by the *Journals* (vol. ii. p. 386) to have passed before the members were impeached

(Rush. vol. iv. p. 471; *Old. Parl. Hist.* pp. 155, 158; *Cobbett’s Parl. Hist.* vol. ii. p. 1062).

and the government of the kingdom; to deprive the king of his regal power; and to place his subjects under an arbitrary and tyrannical power: That they had endeavoured, by many foul aspersions upon his majesty and his government, to alienate the affections of his people, and to make him odious to them: That they had endeavoured to draw his majesty's late army to disobedience to his command, and to join them in their traitorous design: That they had invited and encouraged a foreign power to invade the kingdom: That they had endeavoured to subvert the very rights and being of parliament: That, for the completing of their traitorous designs, they had endeavoured, as far as in them lay, by force and terror, to compel the parliament to concur with them in their designs; and, to that end, had actually raised and countenanced tumults against the king and parliament: And, that they had traitorously conspired to levy, and actually had levied, war against the king. Having read these articles, the attorney-general moved that a select committee, under a command of secresy, might be appointed to take the examination of witnesses according to the practice in similar cases; that his majesty might have liberty to add to, or alter, the articles as he saw cause; and that their lordships would adopt the requisite measures for securing the persons of the accused. The whole House looked aghast at this proceeding, and no one was hardy enough to move for Kimbolton's commitment. His lordship himself, standing up, professed his innocence, but offered readily to obey any order of his peers; yet prayed that, as he had been publicly impeached, so he should also have a public opportunity to vindicate his innocence. In the meantime, a party, consisting of Sir William Fleming, Sir William Killigrew, and others, had been sent to the chambers of the impeached members, to seal up their trunks, doors, &c.; and the Commons, having received notice of this, together with the proceedings in the Upper House, resolved that, if any person

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whatever should come to the lodgings of any member of that House, either to seal up his repositories, or to seize his person, it was lawful for him, according to the late protestation, to defend the privileges of parliament, to call a constable and others to his assistance, and stand upon the defensive. They also desired a conference upon this breach of privilege, and they again expressed their wish that their lordships would concur in asking a guard which should be approved of by both Houses, or else that they would consent to adjourn to a place of greater safety. The Lords ordered that the seals should be removed from the repositories of the members, and at last agreed to petition for a guard. The Commons likewise issued an order to apprehend Fleming, and the other gentlemen who acted with him, and to bring them before the House as delinquents. But, while matters were proceeding thus, a serjeant-at-arms came to the Lower House, and demanded the five members. The Commons, having ordered the serjeant to withdraw, appointed a committee to acquaint his majesty, that as the message was a matter of such consequence as to concern the privileges of all the Commons of England, it was necessary for them to take it into their serious consideration; but that they would return an answer with as much speed as possible; and, in the meantime, they would take care that the gentlemen mentioned in the message should be ready to answer any legal charge against them. The accused members were ordered by the House to give regular attendance.

Such were the proceedings in parliament on the third; but Charles, determined to carry through his designs, was not idle that evening. He had already congregated a considerable body of desperate characters in the better walks of life, men whose fortunes were inadequate to their desires, and who, having an open table kept for them, were, in the form of a guard, prepared for any unlawful measures: yet, not satisfied with their number, he

had used all his influence to enlist also under his banners the gentlemen of the four Inns of Court, and had been so successful, that they proffered their services as a guard, and one of them said publicly, in the hearing of Ludlow (who took up the matter so sharply that the young man pretended to apologise for his hasty expression), ‘What! shall we suffer these fellows at Westminster to domineer thus? Let us go into the country, and bring up our tenants, and pull them out.’ To this body, Charles, on the evening of the third, sent a copy of the charge against the members of parliament, with a message, by Fleming and Killigrew, to keep within doors next day, and be ready at an hour’s warning.

The king had promised to return an answer to the message of the Commons on the next day, the fourth; yet, that very day, having put himself at the head of his courtiers and band of armed followers, he marched to the Lower House, for the purpose of seizing the five members in the very discharge of their duty. Mr. Pym had received notice of the king’s intention from the Countess of Carlisle, the Earl of Northumberland’s sister; and as his majesty marched at the head of his troop, a Captain Langrish, who had lately returned from the French service, and, from his military habits, was on terms of intimacy with some of the royal followers, learned from them the object of this cavalcade, and, passing them quickly, reported the intelligence to the House. As force was evidently intended, and the feelings of the Commons were such, that the members would have been defended, had an attempt to seize them been made, it was deemed advisable that they should leave the house, rather than incur the hazard of such bloodshed as in that event must have ensued. One of them, however, Mr. Strode, determined to meet the occasion, till his old friend, Sir Walter Earle, pulled him out by force. The band which accompanied his majesty, and amounted to upwards of three hundred, armed with swords, pistols, halberts, &c., made

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King’s violent entrance into the Lower House for the five members, January 4, 1642.

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a lane through which he passed into the house. He, walking up to the chair, commanded the speaker to resign it, and, having occupied it, cast his eyes round for the objects of his pursuit; then remarked, that he was sorry for the occasion, but that he had already sent a message for those members who were, by his command, accused of high treason, and had only received a message in return, instead of the obedience which he had expected: that no king would ever be more careful of their privileges than he; but that as no place afforded a protection against a charge of treason, so he was resolved to have them wherever they were; and that so long as they continued in that House, it could not proceed in the right way. Having looked round in vain for the impeached members, he demanded of the speaker whether they were in the House, who, falling on his knees, answered, with admirable presence of mind on such an unprecedented and critical occasion, 'May it please your majesty, I have neither eyes to see, nor tongue to speak, in this place, but as the House, whose servant I am, is pleased to direct me; and I humbly beg your majesty's pardon, that I cannot give any other answer than this to what your majesty is pleased to demand of me.' Satisfied that the accused members were absent, Charles said, 'Well, since I see that all the birds are flown, I do expect that you will send them to me as soon as they return; but I assure you, on the word of a king, I never did intend any force, but shall prosecute them in a fair and legal way, for I never meant any other. And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, that whatsoever I have done in favour, and to the good of my subjects, I mean to maintain it. I will trouble you no more, but tell you I do expect that, as soon as they come to the house, you will send them to me; otherwise I must take my own course to find them.' With this he retired in some confusion, amid a cry from many members of 'Privilege,

privilege.' The House instantly adjourned till the following day at one o'clock.*

The impeached members removed that afternoon into the city for protection, and during the whole evening the citizens were in arms. Such was the general perturbation, that a cry was repeatedly raised, that the Cavaliers, with the king at their head, were coming, some said, to fire the city. Charles, on his part, issued a proclamation to stop all the ports, lest the accused should escape from the kingdom, and to prohibit all from entertaining or harbouring them.†

* *Journals of the Commons*, vol. ii. p. 366 *et seq.*; Rush. vol. iv. p. 473. *et seq.* Rushworth has taken the king's speech in characters, and his majesty having observed him writing, sent for him, and demanded the copy, which he himself immediately published for the satisfaction of his subjects (Nelson, vol. ii. p. 810 *et seq.*; Whitelocke, p. 523; Clarendon, vol. ii. p. 356 *et seq.*; Ludlow, vol. i. p. 21 *et seq.*; Hutchinson's *Mem.* vol. i. p. 144; *Old Parl. Hist.* vol. x. p. 157 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 1005 *et seq.*; *Mém. par Mad. de Motteville*, tom. i. pp. 264–87.

† Clar. vol. ii. p. 360. This writer pretends that people were deputed to raise the alarm; but whence did he learn that? He tells us that the members had nothing to apprehend, and merely feigned terror out of policy; yet, in the same breath, he informs us, that Lord Digby, whom he alleges, with what truth we shall examine by and bye, to have been the sole adviser of this breach of all faith and privilege, himself proposed to go into the city, 'with a select company of gentlemen, *whereof Sir Thomas Lunsford was one*, to seize upon them and bring them away alive, or leave them dead in the place; but the king liked not such enterprises.' When the king had gone so far by this person's counsel, would it have been strange had he gone a little farther? And will it then be said that there was no ground

for apprehension? The same writer says elsewhere (Supplement to third volume of *State Papers*, p. 66, 'Character of Digby'), that when Digby perceived the consequences of his advice, 'his great spirit was so far from failing, that when he saw the whole city upon the matter in arms to defend them, knowing in what house they were together, he offered the king, *with a select number of a dozen gentlemen*,' (What! Encounter the whole city, whose trained bands were commanded by a very able and experienced officer, with only a dozen?) 'who he presumed would stick to him, to seize upon their persons, dead or alive, and without doubt he would have done it, *which must likewise have had a wonderful effect*.' What he means by these last words may be surmised from an observation which he elsewhere makes, at the very moment that he pretends to condemn the proceeding — that they should have been secretly seized, and sent to distinct and close custody, which would have broken the spirit of the Houses (*Hist.* vol. ii. p. 391). Yet he admits that all their offences had been committed in the parliament. Misstatement ever involves itself in inconsistency. To condemn the popular proceedings and exculpate the king, Clarendon pretends that there was no purpose to seize them while they were in the city; but then he forgets that, in that case, Charles's motive for going

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The king
goes into
the city,
January 6.

On the following morning he resolved to go in person to the city, under the pretext of demanding the persecuted members, but in reality to gain, if possible, the support of a party there. Orders were therefore sent to the lord mayor to call a common council; and Charles went to Guildhall with only four attendants, to show the citizens how much he relied on their affections. But the temper manifested by the people in his progress through the city might have convinced him that the task he had undertaken would be fruitless. They thronged round his carriage, 'and humbly entreated that he would be pleased to agree with his parliament, and not infringe its privileges.' The becoming reverence with which they thus sent up their petition, did not render their language the less impressive. One alone, of all their number, Henry Walker, an ironmonger and pamphleteer, offered an insult to their misguided prince, by casting into the coach window a paper, in which were written the words, 'To your tents, O Israel!' the language of the ten tribes who forsook the foolish and wantonly tyrannical Rehoboam. For this seditious insolence, which does not appear to have received any countenance from the general demeanour of the citizens, Walker was committed, and prosecuted at the next sessions.* At Guildhall, Charles

to the House of Commons must have been very different from that of seizing them whom he believed guilty of high treason. But it is only necessary to consult the noble historian's statements relative to the Scottish Incident, contrasting what formerly appeared (vol. ii. p. 17) with that which has latterly come to light in Append. B to vol. ii., in order to be satisfied that the proceedings against the six members were just a counterpart of the other, and involved the most desperate projects. How, indeed, can it be doubted that nothing was too black for this monarch, when he could continue the most confidential correspondence with Montrose and Digby, after they had

proposed—the first, direct assassination, the last, something near it. Here I must, in reference to this prince's character, observe, that I formerly, not having the benefit of Ashburnham's narrative since published, was led to a more favourable opinion of him in one case than is now justified by the fact. I have stated, on my authorities as they then stood, that Charles prevented the assassination of Hammond on account of his character, whereas it now appears, that he took time to consider of the matter, and then only objected to it as useless and dangerous. This will be shown in its proper place.

* Clarendon, vol. ii. p. 361. This author has the effrontery to say, that

told the council that he had come to demand such persons as he had already accused of high treason, and whom he believed to be concealed in the city; that as their offences were treason and misdemeanours of a high nature, he trusted no good man would detain them, and he desired their assistance that the accused might be brought to a legal trial. That there were divers suspicions raised that he was a favourer of the Popish religion; but he professed, in the name of a king, that he ever had been, and would be to the utmost of his power, a prosecutor of all such as any ways opposed the laws and statutes of this kingdom, either Papists or Separatists, and would ever defend the true Protestant faith, which his father professed. After this address he departed from the assembly without any of that applause and cheerfulness which he had anticipated from his condescension—a result which must have been the more poignantly mortifying, considering the well-known extreme loyalty of the lord mayor, and his majesty's late splendid reception through his lordship's activity. To conciliate the city farther, he proposed to dine with one of the sheriffs, who, of the two, was least inclined to promote his views; but, though he was nobly entertained, and returned in the evening to Whitehall without receiving the slightest mark of disrespect in his passage, the whole occurrences of the day only taught him that the confidence of the city was irrecoverable.*

Both Houses of parliament assembled on the same day,

Walker cried with a very loud voice, 'To your tents, O Israel!' and is of course followed by Hume, who has yet the confidence to quote Rushworth for it. Rushworth's statement is in these words: 'The same day his majesty was also pleased to go into London *with his usual attendants*, and in his passage some people did cry aloud, "Privileges of parliament! privileges of parliament!" and one Henry Walker, an ironmonger and pamphlet writer, threw into his majesty's coach a paper,

wherein was written, "To your tents, O Israel!" for which he was committed, and afterwards proceeded against at the sessions' (vol. iv. p. 479). See also May, lib. ii. pp. 26, 27, who describes the conduct of the mob as very humble. See also Husband's collection of *State Papers*, p. 126, whence Clarendon, the author of that very State Paper there referred to, could not be mistaken.

* Clarendon, vol. ii. p. 361; Rush. vol. iv. pp. 479, 480.

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Both Houses adjourn till the 11th. The Commons appoint a committee to sit in the interim in Guildhall.

and the Commons voted a declaration upon the gross violation of parliamentary privileges, and stated that, till their privileges were vindicated, and a guard allowed, it would be impossible for them to discharge their duty as a branch of the legislature. They therefore resolved to adjourn for a few days, till the 11th, that the king might have an opportunity to afford proofs of a change of conduct. But they appointed a committee of certain individuals, with whom, however, all who chose to attend might vote, to sit at Guildhall in the meantime, for the purpose of investigating the facts relative to the breach of privilege, and consulting with the citizens both on it and on the affairs of Ireland. The Lords adjourned to the same day.*

Evidence laid before the committee regarding the breach of privilege.

The evidence laid before the committee regarding the king's forcible entrance into the House of Commons was soon published, and must have satisfied all unprejudiced men of the desperate feelings with which his followers were then actuated. It was to this effect: That the number which accompanied him on that occasion was about 500 (the lately enlisted guards out-numbered his gentlemen pensioners or ordinary attendants), and that they were armed with swords, pistols, and other weapons; that the new guard having pressed forward to the door of the house, placed themselves between it and the king's ordinary attendants, and there brandished their swords, while individuals of them, holding up their pistols, openly used such language as this: 'I am a good marksman, I can hit right I warrant you;' and that they would not allow the door to be shut according to custom, declaring that they were resolved to support their party: that, when several of the members approached, and their servants called out to make room for them, 'some of this new species of soldiery answered, "A pox, Gad confound them!" while others exclaimed, "A pox take the House

* *Journals of the Commons*, vol. ii. p. 368; *Old Parl. Hist.* vol. x. p. 166 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 1002; Rush. vol. iv. pp. 478, 479.

of Commons, let them come and be hanged; what ado is here with the House of Commons!" That, besides this, they assaulted the servants of the members, and, with many oaths, expressed their regret at the absence of the accused members; nay, that some of them cried, 'When comes the word!' and that when asked the meaning of that expression, they answered, that 'questionless, in the posture they were set, if the word had been given, they should have fallen upon the House of Commons, and have cut all their throats.' The reader will bear in mind that these were not common soldiers, whose language might be partly the offspring of ignorance; but individuals who had been officers of the late army,—who had entered into this service out of alleged principle, and who were feasted and caressed in an extraordinary manner at Whitehall! Can it then be doubted that they would not have uttered such sentiments unless they had known them to be congenial to those of their master? Had it been otherwise, he would have been eager himself for the punishment, at least by dismissal from his service, of a set of men against whom such daringly profligate conduct was established; yet they appear to have recommended themselves by it, and he was anxious to promote them.*

* *Journals of the Commons*, vol. ii. p. 374; Rush. vol. iv. p. 484 *et seq.* The number that accompanied the king is generally called about 300, though the evidence makes it 500. I conclude that the 300 already mentioned were exclusive of the ordinary attendants, whom they outnumbered. Mr. Hume, as a matter of course, derides this examination into the language and menacing gestures of the king's followers, as if it had been unworthy of notice.—That these men were officers, we have the king's admission (*Husband's Col.* p. 108). As to their having been thanked, &c. afterwards, see even Digby's admission (*Nelson*, vol. ii. p. 865). Mr. Hume here, as elsewhere, affects to sneer at the popular party for attri-

buted the king's advice to Papists (which they did not in the papers allude to); a way by which he really appeals to the prejudices of his readers, and yet the same author makes this altogether a war of religion! Were the Papists the only party in the state who were quite indifferent to religion? or was the existence of such a party like witchcraft—altogether ideal? Had the learned author forgotten the various conspiracies, &c. during Elizabeth's reign—the Gunpowder Plot during the preceding reign—the late intrigues of foreign states on this subject—the innovations by the court faction—the Irish insurrection, and the encouragement of the Papists there by the pope and foreign princes?

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Besides all this, their threatening language against the parliament had already been complained of by the Commons in a petition to the throne. But there was another important fact fully established by evidence before the committee: that, on the very day on which the outrage was committed, a hundred stand of arms, and two barrels of gunpowder, with match and shot in proportion, were sent from the Tower to Whitehall, with the lieutenant's knowledge.* It will also be remembered that the gentlemen of the Inns of Court, who had previously been gained over, were told to be in readiness at an hour's warning.

The city's
petition to
the king.

On the 7th, two days after the adjournment, the lord mayor, aldermen, and common council presented to the throne a petition, in which, after adverting to the dangers, fears, and distractions, into which the city had been plunged by the progress of the bloody rebels in Ireland, (who were countenanced by Papists and their adherents in England), and the want of forces to suppress that rebellion, together with the intimations, foreign and domestic, which they had received, of designs to extirpate the Protestant religion with the liberties of the subject; to the removal of persons of honour and trust from the offices of constable and lieutenant of the Tower, and the late war-like preparations there; to the fortifying of Whitehall, and the provoking language and violence used by his new guard to the citizens; and to the conduct of the gentlemen of the Inns of Court; and his majesty's late entrance into the House of Commons, with such a band of armed attendants, besides his ordinary guard; they prayed that he would relieve the Protestants of Ireland by the advice of his grand council; remove suspicious persons from the Tower, and put it into the custody of trustworthy characters; appoint a known and approved guard for himself

We may well disapprove of the parliament's intolerance; but assuredly it is not too much to presume that the Catholics were actuated with as much zeal as the Protestant parties,

and it is not requisite to suppose more, particularly considering their political tenets.

* Rush. vol. iv. p. 480.

and the parliament; and, lastly, remove all restraint from Lord Mandeville or Lord Kimbolton, and the five members of the Lower House, and only proceed against them according to the privileges of parliament. The royal answer to this petition was by no means satisfactory: that he imagined he had been sufficiently explicit at Guildhall; but that he now added some particulars for their information: 1st. That it was impossible for them to feel more than he had expressed on the business of Ireland, yet that his zeal would be farther manifested by a declaration that he meant to set forth, and he hoped that great and necessary work would soon be advanced by the advice and assistance of parliament: 2dly. That, with regard to the Tower, as he had already removed one servant of trust and reputation (this was Lunsford!) to satisfy the city, and had substituted another of known ability and unquestionable character, he wondered at their groundless fears; and as to the preparations for farther fortifying the Tower, he deemed them as necessary for the city as for his own safety, and should ever employ them for the protection of both: 3dly. That the fortification of Whitehall, and the guard he had lately enlisted, were rendered necessary by the seditious language and tumultuary conduct of the populace: 4thly. That as for the gentlemen of the Inns of Court, there was nothing censurable in regard to them; for that they, conceiving that his safety might be endangered, had merely expressed their good intention, and 'he had received the tender of their loyal and dutiful affections with very good approbation and acceptance;' that, 'for his going to the House of Commons, when his attendants were no otherwise armed than as gentlemen with swords,' he is persuaded, that if the petitioners knew the clear grounds on which the five members stand accused of high treason, they would believe that his going thither in so gentle a way was an act of grace and favour, since he is well assured that no privilege of parliament can extend to treason, felony, or breach of the peace: and, lastly, That he

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King's answer to the city's petition.

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ever intended to proceed against the accused with all justice and favour, according to the laws and statutes of the realm, to which the innocent would cheerfully submit; 'and,' says he, in conclusion, 'this extraordinary way of satisfying a petition of so unusual a nature, his majesty is confidently persuaded will be thought the greatest instance that can be given of his clear intentions to his subjects, and of the singular estimation he hath of the good affections of this city, which he believes in gratitude will never be wanting to his just commands and service.'*

King
leaves
London,
January
10, 1642.

Far from abandoning the prosecution of the Lord Mandeville and the five members of the Lower House, Charles on the 8th issued out a proclamation to apprehend them; but on the 10th he left London, to which he never returned till he was brought thither as a prisoner.†

The views with which he took this important step, and with which he had acted in all his late measures, it is now our province to develop.

The royal
policy.

Necessity alone had prevailed with Charles to summon a parliament; but that assembly had not sat long, as we have seen, before he entered into plots for its destruction. The views with which he undertook the journey to Scotland were partly defeated by the failure of the Incident; but the disappointment in that plot did not divert him from his mischievous designs. We have already seen that, as the act for tonnage and poundage, which had been passed before his departure for the North, expired on the 30th of November, and the duties were absolutely requisite for the exigencies of state, his ministers were alarmed by a wish expressed by some timid members of parliament for a fresh adjournment, on account of the plague which then raged in the metropolis; but that Charles, regardless of pecuniary embarrassments, though these alone had moved him to convene the legislature, instantly commanded his servants 'to have the ajournement furthered by

* Clarendon, vol. ii. pp. 36, 369-371; Rush. vol. iv. pp. 480-82.

† Rush. vol. iv. pp. 482-84.

anie means;’ or, as the next best plan, to obtain an adjournment to Cambridge—a place doubtless better calculated for his projects. We have also seen that he was at the same time attempting to raise money upon his large collar of rubies, which had for that purpose been sent into Holland; while his correspondence breathes revenge against the popular party in parliament, and bespeaks a strange confidence in his own resources to frustrate their expectations. His whole subsequent conduct evinced that he was fully resolved to destroy the legislative assembly, which he could not overrule; and as, not to mention the act which he had passed to prevent their dissolution, prorogation, or adjournment without their own consent, it is evident that, in the event of his dissolving this parliament, another would have just been composed of the same materials, and have come with a still more resolute spirit from the breach of law and faith with the preceding, he must have been determined to set up a government of the sword. The parliament (whether their fears were well founded or not, or even feigned, would in this view be a question of no importance) had deemed it proper to have a guard for its own security, and, in ordering one, arrogated no more than what is allowed to every court and every petty borough; yet Charles immediately dismissed it; and, as if he had been wiser than his grand council, derided their fears, while he himself proposed to give them a guard under the command of one of his own creatures. Had the two Houses consented to this, it is easy to perceive what an opportunity it might have afforded of surrounding them with military, and overawing their deliberations; and it does not appear upon what principle the arrangement which they had formed could be challenged. It is vain to argue that it interfered with the king’s right to command the military; and it is equally so that it insulted the sovereign by implying that danger was apprehended from him, since, if he truly repented of his former conspiracies against the legislature,

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he would not have resented their suspicions of him till he had evinced, by his subsequent measures, that he had become an altered man ; and the true way to disarm their groundless fears was by yielding to their plans of security. If, on the other hand, he did not repent of his past measures—which his increasing favour towards the very individuals who had even confessed the plots, nay, who had implicated him, fully proved that he did not—it is perfectly evident that he was prepared to repeat them. But, if this applied to his conduct in the first instance, it did infinitely more so afterwards, when he had himself collected such a band of desperate characters in the form of a guard, and fortified Whitehall, under the pretext of apprehending danger from the tumults at Westminster ; and first encouraged Digby to allege that this was not a free parliament, and then ordered the lord keeper, who had also in his own person thrown out a hint to the same effect, to present the protestation of the bishops. The Upper House had refused to concur with the Lower in a petition for a guard. But it should be borne in mind that it was the court party, including the bishops, who had outvoted the popular portion of the House ; and therefore it does appear extraordinary indeed that the very same individuals who refused their assent to a measure which would have afforded them ample protection, should have protested against all acts passed in their absence, because they had been prevented from free access to the house by the factious multitude. The grand assumption of Royalist writers is, that a minority in parliament, by combining with the turbulent citizens, drove away the well-disposed members, and thus left themselves to carry measures which would otherwise have been indignantly rejected. But these apologists of Charles forget that, had the wish of the popular party for a guard been acceded to, nothing of the kind could possibly have happened. It is self-evident that, as a guard nominated by both Houses could never, unless perhaps in conjunction with the king, have been

able to master them, it must have been under their control, and could at once have been dismissed or new-modelled by them, if it showed any disposition to promote the views of the minority, who could have had no official voice in commanding it; for the orders issued to the guard must have been according to the votes or resolutions of both Houses, and have thence necessarily conveyed the will of the majority. Hence it is quite obvious that Charles, in obstinately refusing a guard, while he congregated so strange a one for himself, and encouraged the prelates to offer their protestation, had no other object than the annihilation of the parliament. That the bishops, to save themselves, eagerly grasped at the suggestion, and adopted the views of the court in respect to a guard, is without question; but the most satisfactory proof of the origin of the device is, that it was just the counterpart of the treacherous plan recommended by Charles, in the year 1639, to the Scottish prelates, in order to afford a pretext for annulling the proceedings of the assembly in parliament, whose acts he had solemnly engaged to ratify. The result of this device strengthened the popular party, and then followed the impeachment of the six members, with the extraordinary entrance into the Lower House; a proceeding which was again an approximation to the Incident, and founded upon the erroneous notion that deceived Charles and his advisers throughout his reign, and has been ever adopted by historians—that the individuals who, by merely acting as the organs of the public will, were enabled to take the lead in affairs, created the general sentiments which they only expressed. The articles against the members had been furnished by the king himself to the attorney-general, who declared to the parliament that he had neither ground nor information of any kind to proceed upon but the command of his master; and in so far as they regarded the invitation to the Scots to invade the kingdom were a breach of all law and faith, since the act of oblivion by the treaty with Scotland was expressly

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provided to preclude for ever any question on that ground.* The measure was, besides, absurd, considering the large sum which had been given to the Scots for their brotherly assistance. Hence it is evident that men, far from having any security in the royal engagements, derived none from the solemn enactments of the legislature, since even this article showed that he did not conceive himself bound by the statutes which he had passed. This, however, was farther evinced by other articles, whereby the six members were arraigned of high treason for having procured the passing of bills in the respective Houses. If they were guilty of the highest offence known to the law for their conduct in parliament, it is incontestable that those who joined them were also criminal ; and as these composed the majority, it is doubtless that when the Houses were, as was anticipated, quelled by the ruin of their leaders, the majority would have been exposed to the royal vengeance, which would only have been, in some measure, averted by their undoing whatever had been done, or, at least, by the popular party's desertion of the parliament, so that the court faction might act without control ; and that, whether they were proceeded against as thus guilty, or were allowed to escape as having been forced into measures hurtful to the prerogative, all

* It was agreed unto by the treaty with the Scots, 'that an act of oblivion be made in the *parliaments of all the three kingdoms*, for burying in forgetfulness acts of hostility, whether between the king and his subjects, or between subject and subject, or which may be conceived to arise upon the coming of any English army against Scotland, or coming of the Scottish army into England ; or upon any action, attempt, assistance, counsel, or advice having relation thereunto, and falling out by the occasion of the late troubles preceding the conclusion of the treaty, and the return of the Scottish army into Scotland : That the same, and whatsoever hath en-

sued thereupon, whether trenching upon the laws and liberties of the church and kingdom, or upon his majesty's honour and authority, in no time hereafter may be called in question, nor recited as a wrong, national or personal, whatsoever be the quality of the person or persons, or of whatever kind or degree, civil or criminal, the injury is supposed to be ; and that no mention be made thereof in time coming, neither in judgment nor out of judgment, but that it shall be held and reputed as though never any such thing had been thought or wrought,' &c. By the act of pacification this and other articles were ratified in the strongest manner.

the late statutes, which were so magnified by the royal adherents as mighty concessions to liberty, fell, as a matter of course, to the ground. The king's professions, therefore, of extreme regard for the privileges of parliament, and of a purpose to preserve inviolate the late laws, were so belied by this proceeding, as to be productive of nothing but utter distrust, not to say more, of a prince capable of such gross hypocrisy.

Lord Clarendon informs us, that Lord Falkland, Sir John Colepepper and himself had, through the recommendation of Lord Digby, lately become the official advisers of the king, (Falkland having been made secretary of state, Colepepper chancellor of the exchequer, and himself having been offered the place of solicitor-general, which, from prudential motives, he then declined,) and that Charles had assured them that he would take no step whatever without their knowledge and approbation; but that, in this prosecution of the six members, he had been induced by Digby, whose advice alone he followed on the occasion, to violate his engagement, and proceed to such extremities without their knowledge; and that the same Digby, who had promised to support the impeachment in the Upper House, having perceived its effect upon that assembly, 'never spoke the least word, but, on the contrary, seemed the most surprised and perplexed with the attorney's impeachment; and sitting at that time next the Lord Kimbolton, *with whom he pretended to live with much friendship*, he whispered him in the ear with some commotion, (*as he had a rare talent in dissimulation*,) that the king was very mischievously advised; and that it should go very hard, but he would know whence the counsel proceeded; in order to which, and to prevent farther mischief, he would go immediately to his majesty, and so went out of the house. Whereas he was the only person who gave the counsel, named the persons, and particularly the Lord Kimbolton,* &c. Such

* Clar. Hist. vol. ii. p. 340 *et seq.*, *et seq.*; Append. to vol. iii. of *State Papers*, 'Character of Digby.' pp. 359, 360; *Life*, p. 45 *et seq.*, p. 88

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was the character of Clarendon's own friend, and the adviser of his master.

Even according to this statement, the most apparently confidential advisers of this king could not depend upon him, since he might at any time the most unexpected, unknown to them, be carried by secret counsels into the most indefensible and irretrievable measures. But Charles could not have been always surrounded by individuals who persuaded him into the adoption of pernicious projects; and the inference is, not that he was unfortunate in his selection of advisers, but that he selected them for the very qualities which led to his ruin; and that they advised what they perceived to be agreeable to their master. Of Falkland, Clarendon says, 'Albeit he had the greatest compliance with the weakness and even humours of other men, when there could be no suspicion of flattery, and the greatest address to inform and reform them; yet, towards the king, who *many times obstinately adhered to many conclusions which did not naturally result from good premises*, and did love to argue many things to which he did not so positively adhere; he did not practise that condescension, but contradicted him with more bluntness, and by sharp sentences; and in some particulars, as of the church, to which his majesty was in *conscience* most devoted.' (Clarendon had too many documents in his possession disproving that idea to state this in good faith.) 'And of this his majesty often complained; and cared less to confer with him in private, and was less persuaded by him, than his affairs and the other's great parts and wisdom would have required, though he had not a better opinion of any man's sincerity and fidelity towards him.'*

The proceedings against the six members, however, resolved upon before the king left Scotland, are with no justice ascribed to Digby; and the utmost that could with propriety be imputed to that nobleman is, that

* *Life*, vol. i. pp. 48-93. Does not this fully establish our view of the king's character?

having dived into the purpose, he tried to ingratiate himself by recommending what he saw had been previously determined upon.* But Clarendon's veracity is not remarkable, and it is inconceivable, first, that the charge could have been given to the attorney-general, and also orders to Sir William Fleming, Sir William Killigrew, and other gentlemen; secondly, that arms and ammunition should have been brought from the Tower to Whitehall; the gentlemen of the Inns of Court commanded to be in readiness, and the king's followers prepared to act so desperate a part, all without even the suspicion of Hyde and his coadjutors; while nothing can be more evident than that, in the proclamations afterwards issued, they at least adopted the measure they disclaimed.† The truth is, however, that Clarendon, even in his History, does not in reality object to the baseness of the measure. He quarrels a little with the expediency, in consequence of the king's want of resources to carry the matter fully through with a high hand; but he chiefly quarrels with the execution, and with the selection of some of the individuals, for that 'Lord Kimbolton was a civil and well-natured man, and had rather kept ill company, than drank deep of that infection and poison that had wrought upon many others; and that Sir Arthur Haslerig and Mr. Strode were persons of too low an account and esteem; and though their virulence and malice was as conspicuous and transcendent as any man's, yet their reputation and interest to do mischief, otherwise than in concurring in it, was so small that they gained credit and authority by being joined with the rest, who had indeed a great influence.'‡ 'I am sure,' says he in another place, 'they

* See Correspondence between the King and Nicholas, in Append. to Evelyn's *Mem.*

† Some of the contradictions and inconsistencies of Clarendon's statements have been already exposed; and I think it impossible that he should be ignorant of a measure

which so many were acquainted with, though it is very likely that Charles and Digby wished to conceal it; and that he and the others, having winked at what was going onward, condemned it when they saw the result.

‡ Clar. vol. ii. p. 377 c. 8.

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who out of conscience and loyalty to their king and country, diligently attended the public service, were strangely surprised at the matter and manner of that accusation, and foresaw from the minute the infinite disadvantages it would bring to the king's affairs. Not that they thought the gentlemen accused less guilty; *for their extreme dishonest acts in the house were so visible, that nothing could have been laid to their charge incredible;* but the going through with it, was a matter of so great difficulty and concernment, that every circumstance ought to have been fully deliberated, and the several parts distributed into such hands as would not have shaken in the execution. And the saying that the king had not competent persons enough, whom he might trust in so important a secret (which I believe was true), is rather an argument that the thing was not to be attempted at all, than that it was to be attempted in that manner; for whoever would have betrayed the trust, would be sure to find fault with it, when it was endeavoured without him, especially if it miscarried. The truth is, there was little reason to believe that the House of Peers would commit the Lord Kimbolton, upon the accusation of Mr. Attorney in that conjuncture of time, and less that the House of Commons would deliver up the members to the sergeant-at-arms when they should be demanded, which was an irregular thing, and implied unreasonably that they had some power to keep them who were desired to deliver them. *Yet if the choice had been better made, and the several persons first apprehended and put into distinct close custodies, that neither any body else should have heard from them, nor they from one another, all which had not been very difficult, the high spirit of both Houses might possibly have been so dejected, that they might have been treated withal.* With notable inconsistency, he says in the next sentence, that 'that attempt,' which he thus informs us, 'had not been very difficult;' that is, if it mean any thing, might have been easily accomplished

with the king's resources, 'had been too great for the solitary state the king was in at this time, which was most naturally to be improved by standing upon his guard, and denying all that was in his power to deny, *and in compelling his ministers to execute the law in those cases that demonstrably concerned the public peace.*'* Such were the principles of the good Lord Clarendon—of the most moderate of the royal confidential advisers; but, indeed, he even, if possible, developes worse principles elsewhere, when he says, that if the proposal of Digby to go with a select party (of whom Lunsford was to be one) into the city to seize the persons of the six members, '*dead or alive,*' had been acceded to, 'without doubt he would have done it, *which must LIKEWISE have had a wonderful effect.*'†

'The king,' says Mr. Hume, 'apprehensive of danger from the enraged multitude, had retired to Hampton Court, deserted by all the world, and overwhelmed with grief, shame, and remorse, for the fatal measures into which he had been hurried. His distressed situation he could no longer ascribe to the rigours of destiny, or the malignity of enemies: his own precipitancy and indiscretion must bear the blame of whatever disasters should henceforth befall him. The most faithful of his adherents, between sorrow and indignation, were confounded with reflections on what had happened, and what was likely to follow. Seeing every prospect blasted, faction triumphant, the discontented populace inflamed to a degree of fury, they utterly despaired of success, in a cause to whose ruin friends and enemies seemed equally to conspire.' The picture is pathetic; but, unfortunately for that prince's subjects, it is not true. The monarch, whose breast was open to such generous grief, shame, and remorse for his misconduct, would have endeavoured to

* Clar. vol. ii. pp. 390, 391.

† Append. to vol. iii. of *State Papers*, p. 50.

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retrieve his error, and have thus spared his people all the misery that ensued. Nor has this author an apology for his statement, which, with the denial of the army-plots, against the clearest evidence, and the Incident, not to speak of Irish affairs, is the basis of all his subsequent charges against the parliament, for forcing Charles into a war, since the inadvertent admissions of Clarendon, admissions at direct variance with his general apology for his master, consequently the more valuable (for, as the confidential adviser of the king, he could not possibly be deceived), are of so contrary a description.* The monarch, who is represented as having retired from Whitehall, so overwhelmed with a sense of his fatal rashness, left it with a determination to resort immediately to military operations against his grand council.

We have already seen how the artillery, arms, and ammunition of the disbanded troops had been deposited in Hull, and had been allowed to lie there in spite of a previous intention by the parliament to remove them to the Tower. Now, in the neighbourhood of that town, the Earl of Newcastle, who, in the language of the times, was an inveterate malignant, had vast influence; and a great portion of the inhabitants, who appear to have inclined to

* The whole complexion of this part of Mr. Hume's history turns upon this—that the parliament affected fear, and raised false rumours of danger, in order to inflame the populace, and afford a pretext for virtually dethroning the sovereign. Admit, therefore, that real plots of the most atrocious kind had been formed against the parliament, and that war, or rather military force, for Charles expected to be able to crush the national council before it could be prepared for defence, had been resolved upon, and the character of the historian's statement is completely destroyed. He dwells too in generalities, and confounds dates to

aid his erroneous representations of things: therefore, I have been particularly careful to follow the real course of events. To me the tone of this portion of Mr. Hume's work particularly appears unnatural, since the parliament, by his account, does not seem to have acted with ordinary rationality; but I suspect it is this which has rendered his writing so successful. He proceeds upon the assumption, that the majority of both Houses and of the age were very silly fanatics, and the mass of readers feel their vanity gratified by a sense of intellectual superiority to former times.

the Catholic faith, were disaffected to the parliament. Thither therefore Charles, *before his departure from Whitehall*, secretly despatched that nobleman, with a commission to take possession of the town and magazine, and draw in as many of the trained bands as the earl deemed necessary and could rely upon, the king intending himself to follow as soon as matters were ready for his reception; while the queen, to whom Goring, in spite of his pledges to the parliament, had even in the preceding month of May engaged to surrender Portsmouth, and had received from her a considerable sum, to enable him to strengthen the place, and secretly enlist men, was to proceed directly to that strongly fortified town, in order to take possession of it, as the most important in the South, as well as the magazine for arms in that district.* The Tower was already in the custody of a man who could be depended on, and a vessel with additional arms had just arrived from Berwick, where, as we have seen, they had been detained by the royal dexterity.

It is true, that the same Lord Clarendon to whom we are indebted for this important, but inadvertent, development of the royal purpose, tells us, that Charles intended, 'that being secured in those strong places, whither they who wished him well might resort and be protected,' 'he would sit still, till they who were over-active would come to reason;†' but no one can believe, that since he conceived military force necessary against a parliament, he would have failed to make an active use of it; and the idea

* Clar. vol. ii. pp. 388, 389, 417, 418; *Journals of the Commons* for January 11 *et seq.*, 1642; *Old Parl. Hist.* vol. ix. p. 1027; Rush. vol. iv. p. 564. William Legg, one of those deeply concerned in the army-plot, was also employed to secure Hull. This individual, by his evidence, implicated Charles; yet so great a favourite was he, that he even went by the

name of Honest Will Legg. He was ancestor of the Earls of Dartmouth. The Earl of Newcastle was suspected, on good grounds, of having been also engaged in the army-plots. The queen would appear to have gained a promise of Goring (*Mém. par Mad. de Motteville*, tome i. p. 263).

† Clar. *Ibid.*

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is inconsistent with his whole conduct, the principles of his most moderate advisers, and the very nature of things. The conduct of an assembly which justified his retiring to a place of strength, justified him also in dissolving it; and as conservator of the public peace, he was bound to quell the disorders which arose from the factious spirit engendered by the parliament, and, consequently, to march directly to the capital. In that event, too, the prosecution of the six members would not have been dropped; and it is easy to perceive the application of the principle laid down by Clarendon, that the king, while he stood on the defensive, should have compelled his ministers to execute the law in those cases that concerned the public peace. As the majority in both Houses, too, had been equally guilty with the six impeached members, it is not to be imagined that Charles would have allowed them to triumph in security. A parliament without power is no parliament; and as the general affairs of the kingdom could not have stood still, matters must soon have terminated in a direct use of the military. Taxes were necessary for the public exigencies; and even the last act of tonnage and poundage, duties which could not be dispensed with, was about to expire. But as, under such circumstances, the parliament never would have voluntarily imposed taxes, Charles must either have overawed them, or levied impositions in his former despotical manner—thus letting in a flood of arbitrary power, which swept before it all constitutional principles. There remained after this no alternative for the monarch, even had he desired it, which no one who reviews his measures can believe. If doubt remained, it would be removed by the promise which Clarendon, directly against the tenor of those statements by which he would throw the odium of beginning the war upon the parliament, admits that the queen, who distrusted her husband's firmness, exacted of Charles, before she left England, not to make peace with the

parliament without having first obtained her consent. War did not commence for months afterwards; yet it is evident from this that war, of so implacable a nature as to preclude the idea of accommodation, was then fully resolved upon.

The prompt measures of the two Houses, particularly of the Commons, who procured intelligence of the most secret plots of the council—for which both they and their informers are reviled by Clarendon, a further proof that he regretted the failure, not the conception, of such designs—frustrated the royal purpose, and obliged him to temporise for months. But to such extremity had matters proceeded, that immediately after the removal from Whitehall, his desperate band of discarded officers, at least two hundred, with Lunsford at their head, having retired to Kingston-upon-Thames, where lay the magazine of the county, appeared in a warlike manner; while Digby, having gone to them by the royal command, thanked them for their offer of, and accepted of, their services in the king's name, assuring them that his majesty had brought them thither to prevent their being trampled in the dirt in London, and that he would amply reward their loyal attachment.* Ammunition, large saddles, with

* See *Journals of Commons*, vol. ii. pp. 373, 376, 379 *et seq.*; Husband's *Collect. of State Papers*, p. 202 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 1036 *et seq.*; Whitelocke, p. 54; Nalson, vol. ii. p. 845 *et seq.* Digby's own apologetical defence of himself after his flight—a defence intended to aid the Royal cause—is well worthy of notice; that after the rudeness and violence of the rabble drove their majesties to Hampton Court, he, by command, attended them. 'In this short journey,' says he, '*many soldiers and commanders* (who had assembled themselves jointly to solicit payment of their arrears for the late northern expedition from the two Houses of Parliament) waited on their

majesties, and, leaving them at Hampton Court, provided their own accommodation at Kingston, the next place of receipt, and still so used for the overplus of company which the court itself could not entertain. To these gentlemen, of whom few or none were of my acquaintance, and to this place was I sent by his majesty, with some expressions of his majesty's good acceptance of their service, and returning the same night to Hampton Court, continued my attendance to Windsor, whither their majesties then repaired. I had not been there one day, when I heard that both Houses of Parliament were informed, that I and Coll. Lunsford, a person with

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arms, were likewise arrested in their passage thither ; and it may be inferred that the failure of the design upon Hull and Portsmouth, with measures that prevented danger from the Tower, the raising of the adjoining counties to disperse the forces at Kingston, and stopping of all levies under the pretext of intending them for the service of Ireland, alone changed the current of affairs at this juncture, by preventing a levy of troops, and obliged Digby, who was thence accused of high treason, to abscond.

As, without supplies from the English parliament, Charles was destitute of the means to raise a force capable of quelling the Irish rebellion, the settled plan to destroy

whom I never exchanged twenty words in my life,' (indeed ! when, according to Clarendon, he was one of the very men—the only one named, with whom you proposed to go into the city to take the six members, dead or alive, on the evening of the 4th !) 'had appeared in a warlike manner at Kingston, to the terror of the king's lieges, &c. When first this news was brought me, I could not but slight it as a ridiculous rumour ; for, being most certain that I had never been at Kingston, but only upon that message of the king's to forty or fifty gentlemen totally strangers to me, with whom I stayed not the space of half an hour at most, in no other equipage than a coach and six hired horses, with one single man in the coach with me, and one servant riding by, I thought it utterly impossible for the most romancy itself, at so near a distance, to raise out of that any serious matter of scandal or prejudice upon me' (*Id.* p. 865). Now, the want of veracity in Digby has already been fully established, and therefore his relation is of small value in his own favour, or that of the cause he espouses, but it is of much against both. Why this concourse to Kingston of *many soldiers and officers*, whose business was with both Houses of Parliament ? Why

the message by Digby to them ? The evidence led by parliament, then, comes to us without suspicion, and it was of a very black aspect. Indeed, Digby had no time to do more than see these men once, because on the very day after Charles left Whitehall, parliament interposed to frustrate the design on Hull and Portsmouth, without which any attempt at Kingston could never succeed ; and it was only on the 12th, the day on which Charles removed to Windsor, that Digby's attempt was directly defeated by the measures of both Houses. Clarendon's statement (vol. ii. pp. 383, 384) is very uncandid, and is at direct variance with dates. But what shall we say to Mr. Hume's, who, in the face of Digby's own admission—an admission calculated to make a favourable impression for the cause in which he had embarked, as well as to screen himself—says, '*Lord Digby having entered Kingston in a coach and six, attended by a few livery servants*, the intelligence was conveyed to London ; and it was immediately voted that he had appeared in a hostile manner, to the terror and affright of his majesty's subjects, and had levied war against the king and kingdom.' I cannot guess what that author's feelings were when he sat down gravely to write so.

the constitutional assembly is altogether inconsistent with his professions on the Irish affairs. His language on that subject, however, did not exceed the expressions of the Lords of the Pale, before they openly joined the insurgents; and it was the misfortune of this prince to have justly forfeited all confidence in his word.* His religious predilections have already been amply developed, and he was now under the pernicious influence of the queen. It is not, therefore, very wonderful that he should not have been over-much disposed to protect the Irish Puritans, at the expense of a body who affected to rise in defence of his prerogative, at the same time that he had resolved on measures pregnant with the ruin of whatever was deemed most valuable—of all their political and civil franchises—of the people of England. True it is that his conduct in regard to Ireland had the extraordinary and unhappy, yet necessary effect of retarding, or frustrating rather, the relief of that wretched country. We have seen that the lord lieutenant was ordered by the parliament to raise volunteers or recruits by beat of drum; but that the Commons, at the same time, proposed a bill for pressing soldiers, into which they inserted a clause against the legality of pressing, without the intervention of the legislature, unless the kingdom were invaded by a foreign power. Now, it has been alleged that the design of the Commons was merely to wrest from the crown a power inherent in it, since, considering the late disbandment of the army against the Scots, there could be no want of volunteers. But the power arrogated by the sovereign was a usurpation incompatible with law; and if Charles had been sincere in his other concessions, he would not have hesitated, especially at such a juncture—when delay was pregnant with so many calamities—to have yielded

* Immediately after the Incident, Charles addressed the Scottish parliament, to which he professed his innocence, 'with tears in his eyes, (and as it seemed) in a very grate

grieffe' (Balfour's *Diurnal*, p. 104). It thus appears that he could weep upon occasion, though he heard of his dear friend Buckingham's assassination with perfect composure.

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this point also, without which all the late provisions in favour of public liberty were nugatory. Matters, however, on both sides, were of far deeper concernment. After such a long course of misgovernment, and what the Commons had lately experienced, they could not trust Charles with an army; and a resolution had already been formed by them, to vest the power over the militia in commissioners nominated with the approbation of parliament, while they had even issued orders about the appointment of officers to the Irish army. By means of the pressing bill, the troops could be ready to be instantly embodied without being drawn together, so as to afford an opportunity to the king to gain them, and set officers over them, before the important matter regarding the commanders were fully determined; but if the ordinary way of levy were adopted, the late disbanded soldiers, whose affections had been so corrupted, would be the first to enlist; when commissions, hastily issued by the king to the very officers who had entered into such conspiracies against the parliament—nay, had lately acted at Whitehall and elsewhere—would at once give him the command of an army which, from all circumstances, it may safely be inferred, would be employed to perform a notable service in England before it crossed the Irish Channel. He could not but know that the interference with the bill in its passage through the Houses, with the displeasure expressed towards the members who had stirred the question about his right, would lead to the result which it occasioned; and that then the Commons could not retreat from their point without recognising a power which had been already so fully pronounced illegal, and consequently exposing the franchises of all ranks.

The advocates of this prince have alleged, that the Scots might have at once sent upwards of 5000 men to Ireland, and thus have crushed the rebellion at its commencement; but that, though urged to it by him, they,

in spite of their professions of eagerness to save that country from the insurgents, declined to adopt so salutary a course.* Now, we have already seen, that, as Ireland was a dependency of England alone, they could not, without involving the two kingdoms in a quarrel—an event which Charles would probably have hailed as auspicious—have attempted to send an army there before they obtained the authority of the English parliament; and that, as they had neither resources themselves to maintain such an army, nor, if they had, could have been expected to use them for the defence of the dependency of a foreign state—it was necessary to have not only authority from England to transport the troops, but an assurance that they should be maintained at the expense of that country: that the English Commons voted for the acceptance of troops—first of smaller numbers, but latterly of 10,000; but that the obstruction to an agreement with the Scottish commissioners arose from the Upper House, who would only yield to the measure conditionally—that 10,000 English should also be sent; while they delayed the pressing bill, which was not passed.

* Carte's *Ormonde*, vol. i. p. 197. This writer, after stating that the Scots had 5000 still on foot (which is not correct), and might easily have collected more, which would at once have put an effectual stop to these commotions, says, with shameless effrontery, 'But neither their pretended zeal for religion, nor the bleeding condition of that kingdom, nor the danger of their countrymen in it, nor the entreaties of their natural sovereign, nor the shame of failing in their own promises the very moment they were making them, could prevail with the Scots to afford any succours in this general calamity.' I am sorry indeed to say that Mr. Hume's statement is, if possible, still worse. Carte says that the king saw 1500 men sent off to Ulster to protect the Scottish colony there, and that he told the Houses this on his return to

London. But he quotes no authority for such a statement, and it is at direct variance with the whole accounts of the proceedings on that head; while it may give some idea of this writer's accuracy to mention that, in the royal addresses, there is not even an insinuation of such a thing. Is it not strange, therefore, that Mr. Laing should, amongst others, have adopted this story? But misstatements or errors once made, descend from one writer to another, like the heir-loom in a family. The 1500 that Carte referred to were not sent till long afterwards, and went under a commission by both Houses to the Marquis of Argyle (see *Journals of the Commons*, 7th and 22nd February, 1641-2). Laing's account of these matters is very inaccurate.

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till after the king had left Whitehall, and thus prevented the raising of 10,000 English already voted by the Commons. The principle advanced by the Lords was, that it gave the Scots too much power in a dependency of England—a position in which there is, unquestionably, much appearance of reason. But it completely disproves the allegations about the backwardness of the Scots; and it is not unworthy of remark, that this objection came from the king himself: for the majority in the Upper House, who frustrated the agreement with the northern kingdom, were the prelates and lay lords attached to the court; and their language was, consequently, just as sure an indication of the royal purpose, as if he had himself openly proclaimed it. He, however, directly spoke the same language afterwards in regard to 2500 only, which both Houses had accepted of; for, posterior to the time now alluded to, he objected to that number's passing into Ireland, with authority to take possession of a certain town, because it would give them a power in that island inconsistent with the pretensions of England.* It is unnecessary to add, that the proposal by Charles to raise 10,000 volunteers, provided parliament would engage to support them, could not, with any regard to the national security, have been accepted of.

The instant that Charles heard of the rebellion, he sent a commission to Ormond to take the command of the army; but, if we may credit Antrim, whose statement derives much support from other circumstances, Ormond had himself been engaged in the design against Dublin

* This will be fully stated in its proper place; and I just beg that the reader will compare it with the preceding passage from Carte, and Hume's observations on the same subject—the conduct of the Scots on hearing of the rebellion. The latter writer conceives it to be evident that Charles was not accessory to the rebellion, that he at once recommended

the care of it to both the English and Scottish parliaments; but he could not do otherwise, without virtually acknowledging himself a party to it, and thus ruining all his affairs. Yet, though he recommended the Irish business to the care of the English parliament, he never, as we have seen, intended that the Houses should have the management of it.

Castle, in order to re-organise the late disbanded army out of the stores there; and therefore a commission to him was apparently of all things the most calculated to promote the cause it was professedly intended to ruin. The unexpected and detestably cruel course, however, which the rebellion took, seems to have filled Ormond with genuine abhorrence at the insurrection; and it has been alleged by the advocates of the insurgents, that, through personal hatred of the Irish Catholics, he, in pursuing them so rigorously, contravened his master's orders. To this, however, the disposition of the army, and of all around him, as well as of the executive there, must have, in no small degree, contributed. Yet his conduct was, in several respects, equivocal; and there is proof of his having been, almost at the beginning of the insurrection, employed by Charles to negotiate a peace secretly with the rebels, while he was not deemed worthy of being trusted in some of the most important transactions with them. The Irish insurgents were not proclaimed rebels till January, and orders were given to print only forty copies of the proclamation.*

As both Houses of Parliament were to meet on the 11th, the committee of the Commons called upon the sheriffs of London and Middlesex to raise the *posse comitatus* as a guard to the king and parliament. On this occasion many captains of vessels and mariners tendered their services; and these having been accepted of, they carried the guns, great and small, from their ships to Westminster. The apprentices also proffered their services; but the committee, with a suitable acknowledgment of the obligation, declined them. While they made these dispositions for the security of both Houses, they also

Re-assembling of parliament, January 11, 1642, and its proceedings.

* Append. to Clar. *Hist. of the Irish Rebellion*; *State Papers*, vol. ii. p. 178; Carte's *Ormonde*, vol. i. p. 280 *et seq.*, Let. in Append. and in vol. iii.; Plowden's *Ireland*, vol. i. p. 142 *et seq.*; Rush. vol. iv. p. 472; May, lib. ii. p. 31 *et seq.* (See former

Notes by us.) See how Antrim represented the cruelties of the insurgents, though, doubtless, engaged at the outset (p. 178). Deposition of Dr. Maxwell, Append. to Borlase's *Ireland*.

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defeated an attempt to reinforce the Tower; having ordered a vessel, which had arrived with arms and ammunition, to fall down the river, and issued strict injunctions against landing the stores.*

The impeached members on the 11th proceeded from the city to Westminster by water, and the procession was an affecting one. About from thirty to forty long boats, armed with guns, and carrying flags, accompanied them, besides a great number of smaller vessels, filled with citizens and mariners. The city had appointed Skippon, 'a faithful and able soldier,' the commander of the trained bands, under the title of serjeant-major-general; and he marched at the head of part of his forces, at the same time with the procession by water, as a protection to the members by land.†

On the same day another affecting spectacle was exhibited. Hampden was the genuine representative of Buckinghamshire, for he truly expressed the sentiments of his constituents, and many knights, gentlemen, and freeholders, from that county, (to the number, it is said, of about 4000,) alarmed for their own privileges, and deeply interested in the fate of the individual who had so resolutely stood forth the vindicator of them, came to the parliament with a petition from the county to the Lords, and another to the Commons, each bearing in his hat a printed copy of the protestation for defence of the king and parliament.

* Rush. vol. iv. p. 483.

† *Ibid.* p. 484; Whitelocke, p. 54. Clarendon says, 'that there was a conflux of many thousands of people, besides the guard, making a great clamour against bishops and popish lords, and for the privileges of parliament; *some of them*, as they passed Whitehall, asking with much contempt, what was become of the king and his cavaliers, and whither he was gone. The questions were natural; but it would require better authority than Clarendon to satisfy us of the con-

tempt with which they were put. Now, mark the use which Mr. Hume makes of this. 'They still asked, with *insulting shouts*, what has become,' &c. Neither Whitelocke nor Dugdale, who are likewise referred to by Hume, even insinuates that such questions were asked! By the bye, I forgot in a former note to say, that one of the State Papers in which an allusion is made to the paper thrown into his majesty's coach, with the words written on it, 'To your tents, O Israel,' is embodied in Clarendon's own *History*, vol. ii. p. 470.

In these petitions they set forth that they had suffered under the various acts of misgovernment and oppression detailed in the Remonstrance; that, however, they were fully sensible of the unwearied exertions of the Commons to redress their grievances; but that their endeavours had been rendered abortive by a Malignant faction, consisting of popish lords and prelates, in the Upper House, and, therefore, prayed that the evil councillors—Achans of the Commonwealth—might be delivered up to justice; that the privileges of parliament might be secured, Ireland relieved, &c. They had also prepared a petition to the king, which a select number were deputed to present. He returned a similar answer to that which he made to the city's petition.* It is unnecessary to observe, that these petitions gave additional life and vigour to the popular party.

Both Houses immediately resolved to appoint a guard under Skippon; and it is not unworthy of notice, that an answer was delivered, on the reassembling of parliament, to the late petition, on that subject, in which the Lords had concurred, offering a guard under the command of the Earl of Lindsay,† the very individual who was nominated the royal commander on the breaking out of the civil war. The Commons, who had received secret intelligence of Charles's designs,‡ moved that Sir John Hotham and his son should be instantly sent down to Hull, where lay the magazine of the North, to take possession of that important place in the name of the king, but to obey no orders except those from the king, signified by both Houses of Parliament; and, for the sake of security, to call in part of the trained bands that could be

* Clar. vol. ii. p. 381; Rushworth, vol. iv. p. 486 *et seq.*; Whitelocke, p. 54.

† *Old Parl. Hist.* x. p. 197.

‡ Clarendon, while he discloses the important fact of the royal intention, and of the parliament's having obtained secret notice of it, denounces

both Houses in the very next page for having usurped the sovereignty in sending down Hotham (vol. ii. pp. 180, 181. See further as to the king's intentions, p. 230 *et seq.*). In short, the parliament ought to have sat still and coolly allowed itself to be destroyed.

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depended on from the adjacent country. With some difficulty the parliament succeeded in saving this town; and the Earl of Newcastle, having failed in his object of surprising the place for the king, was privately allowed by his master to obey an order of the Upper House for his attendance as a member; while Legg, who was also employed by the king in that business, was brought up by applying to his bail for his appearance.* Injunctions were likewise transmitted to Goring, as governor of Portsmouth, to obey no order but such as came from the king through both Houses of Parliament, and ammunition intended for that place was stopped. The Tower was too important a fort to escape their attention. Though the Lords refused to join the Commons in a petition for the removal of Sir John Byron as lieutenant, they concurred in ordering him to attend the parliament, to give an explanation of his late conduct, and particularly of the cause of such quantities of ammunition, &c. having lately been carried to and from that fort. He refused to obey the summons, and was voted a delinquent, while Skippon was commanded to place a guard by sea and water round the Tower; and the Lords agreed with the Commons in affording the city an opportunity of showing the cause of their apprehensions from such an individual as Byron. Intelligence having been received on the 12th, that Lord Digby had appeared at Kingston-upon-Thames, with a large party of the officers and soldiers who had lately acted such a part at Whitehall, and even now used very threatening language towards the parliament, orders were issued to the civil authorities to raise the power of the four neighbouring shires for the purpose of dispersing them. The military band retreated to Windsor that evening with the king. The Commons likewise voted

* The earl, suspecting that the king's commission would not procure him access, attempted to pass under the feigned name of Sir John Savage;

but he was soon recognised, and then the trick recoiled upon himself (Rush. vol. iv. p. 564; *Journals of the Commons*).

that the kingdom should be put in a posture of defence, but the Lords refused to join them.*

In this manner were defeated all the immediate designs upon Portsmouth, Hull, and Kingston, while the Tower was almost in a state of blockade; and hence it was quite evident that new counsels were necessary. Accordingly, a cabinet council was held at Windsor, at which it was determined that the queen should, under pretence of carrying her daughter, who was only eleven years old, to her husband in Holland, leave England for the purpose of soliciting supplies of men and money from foreign states, and also of raising as much as possible upon the crown jewels, the part of which still in England she should take with her; and that, till supplies were received, Charles should amuse both Houses with negotiations, and gradually retreat northwards, where the people were better affected towards him, and where he still hoped to be able, by seizing Hull, with all the magazines, to organise an army. He was to begin his levy under the pretext of raising a guard. It was no longer necessary or practicable to think of immediate operations in regard to the Tower, and Byron obeyed the summons from both Houses, when he excused his former refusal by alleging that he was in a dilemma betwixt his duty to the king and to the parliament.†

Still the petition of the Commons for his removal was indignantly rejected. When, however, both Houses at last agreed in a petition for that purpose, Charles perceived that, guarded as the place was, so as to be no

* *Old Parl. Hist.* vol. x. p. 198 *et seq.*; *Cobbett's Parl. Hist.* vol. ii. p. 1029 *et seq.*

† As Father Orleans showed his history to James II. who approved of the statements, it is valuable (see *Hist. des Rév. d'Ang.* liv. ix. p. 87, ed. 1694). But we learn the same thing from Clarendon, whose statements on this head—the one in his

history, the other in his life—where the truth is more nearly developed, may be contrasted. His first resolution before leaving London was to get possession of Hull and Portsmouth; and the same historian lets out, in passages which had been suppressed, that hostilities had been resolved on early in the preceding season.

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longer useful to the Royal cause, it would be imprudent to deny their request. In another respect, the Upper House evinced spirit. Charles had ordered the Earls of Essex and Holland, as holding offices, to accompany him to Hampton Court; and it is said by Clarendon that the first was inclined to go, till the last assured him that they would both be murdered if they went—a melancholy proof of the opinion entertained of this prince, though warranted by the secret order to behead Lord Loudon in the Tower, without the slightest attempt at a legal proceeding, and by the Incident, &c. These lords, therefore, referred the matter to the body of which they were members, and by them were commanded to attend their duty in parliament.*

The Commons published the result of the evidence taken before the committee regarding the king's violent intrusion into the Lower House, and entered into resolutions that it was illegal to arrest any member of parliament on any charge without the consent of the House to which he belonged. This has been greatly censured as against law, and there does not certainly appear to be a legal ground for assuming that a member of parliament should be so protected against arrestment, upon a charge of treason or felony, as not to be liable to seizure without the consent of that assembly; but matters were now thrown out of their usual course, and new rules were necessary. As the laws are provided for the general security, it is against every principle of common sense to maintain that the law might be used as a colour for destroying the very fountain of all law; and it was well observed by Hampden to Hyde—who, as having secretly engaged to support the royal measures in the Lower House, argued strenuously against the legality of the resolutions, affecting to the popular party to be actuated by a pure regard to right—that 'he well knew he (Hyde)

* *Old Parl. Hist.* vol. x. p. 199 *et seq.*; *Cobbett's Parl. Hist.* vol. ii. p. 1029 *et seq.*; Clarendon, vol. ii. p. 379; *Journals*.

had a mind they should all be in prison '*—a remark of which none can doubt the truth who attends to the sentiments promulgated by him in his History, and quoted in our preceding pages.

The king now sent a message to both Houses, that as some conceived it disputable whether the proceedings against Lord Kimbolton and the five members of the Commons were legal and agreeable to the privileges of parliament, and as he was desirous to give satisfaction to all men on all matters that might appear to have relation to their privileges, he waived his former proceedings; that, since this must remove all doubts as to his intentions, so he would proceed against them in an unquestionable way, for he protested that he would on all occasions be as careful of their privileges as of his life and crown. This, however, as it could not relieve the just fears of the two Houses, so it did not divert them from their duty; and their apprehensions must have been the greater, as, in spite of their secret knowledge of the royal purpose, they were told, in answer to a petition regarding Hull (for they communicated their resolutions on that head, under the pretext of dreading the machinations of Papists), that he had already considered the cause of their fears, and had taken special care for the security of the place against the adjoining Catholics.† The attorney-general was interrogated regarding the impeachment of the six members, and he confessed that he had no grounds for the measure—no information or the like—except the command of the king, who furnished the articles. He was, therefore, himself impeached, and afterwards, by a sentence of the Lords, disabled from ever being a member of, or assistant, or pleader in, either house of parliament, and from holding any office except his present one of attorney-general.‡

* *Life*, pp. 47, 91.

† *Old Parl. Hist.* vol. x. p. 202 *et seq.*; *Cobbett's Parl. Hist.* vol. ii. p. 103 *et seq.*; *Journals*.

‡ *Old Parl. Hist.* vol. x. pp. 205, 215, 297, 310, 347, 348 *et seq.*; *Cobbett's Parl. Hist.* vol. ii. pp. 1033, 1039, 1010, 1069, 1090, 1098 *et*

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to parlia-
ment.

Petitions from all quarters now poured in against episcopacy, and for putting the kingdom in a posture of defence; and the spirit of the Commons was invigorated by such marks of the public confidence.* There was at

seq., 1121 *et seq.*, 1179. Charles maintained that the attorney-general was bound by his oath, as the first law officer of the crown, to present the articles which his majesty had furnished; and this is the ground assumed by Clarendon. But surely it never can be pretended that a public officer is justified in a scheme evidently calculated for the destruction of parliament, under the colour of a legal proceeding, and the duty of his office: That he might charge and subject to all the consequences of such an accusation, members of the parliament, in order to destroy the parliament, without any information or proof of any kind before him. The king was bound himself to disclose the names of the suggestors, according to the statute, 37 Edw. III. c. 18, and 38 c. 9 (see Rush. vol. iv. p. 492).

* The *Journals of the Commons* show, that petitions were presented from most of the principal counties and towns in England; and Mr. Hume's account of the petitions is unworthy of him. The petition from the apprentices had been presented before the impeachment of the members, and one to the same purpose was presented to the throne, as well as another to the Lords. The apprentices were, as we have formerly remarked, a powerful body. The one from the porters, whose number is said to amount to 1500, and who are made to add, that, 'if such remedies' (as they had named) 'were any longer suspended, they should be forced to extremities not fit to be named, and make good the saying, "necessity has no law"'—is nowhere to be found or alluded to, so far as I recollect, except in Clarendon's *History*; and I have no hesitation in pronouncing it a forgery by that author, to disgrace the petitions which so galled him and his party.

The *Journals of the Commons* give an account of every petition; and I have gone over them with the utmost care, in order to ascertain whether such a petition ever was presented, and yet cannot discover a trace of it. The dexterity of Clarendon as a forger of such things is triumphantly told us by himself. Told us—nay, the work in which he discloses this important fact was intended for his children; yet he gives a long character of himself, wherein he takes great credit for his candour. 'Another petition was presented,' says Mr. Hume, 'by several poor people, or *beggars*. This is an odd statement, because the petition bears, *in græmio*, to be from poor artificers and tradesmen, who attributed a decay of trade to the impolicy of the government (*Journals*, vol. ii. p. 404). See it in Clarendon, even. Dugdale (p. 87), and he is quoted by Mr. Hume, says that the petition 'was from many thousands of poor tradesmen in London, as they styled themselves.' It is singular, too, that the words 'OR BEGGARS' do not appear either in the first or second edition; the words there are 'by several poor people, in the name of many thousands more.' The author says justly in his *Life*, that all his alterations were to the Tory side. It is really amusing to note them, particularly in expressions, by comparing the different editions. Each recedes farther than its predecessor from his authorities.

I find another petition from 'an infinite number of poor tradesmen and artificers in and about London and Westminster,' complaining of so many foreigners trading there, and the inconveniences likely to ensue (*Journals of the Commons*, vol. ii. p. 404). This was, however, the old complaint revived, and was unconnected with the present posture of affairs. But the grand subject of

last, too, a prospect that they should obtain what they had long aimed at—command of the forts and the

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ridicule is one from the females, presented 'by a brewer's wife.' Now, had the learned author looked into the Journals, he would have seen this matter in a different light from the ludicrous one in which he presents it. On Tuesday, the 1st of February, Serjeant-major Skippon, who commanded the guard, requested to offer something to the House, and, being called in, desired 'that he might have directions what he should do in this case, there being great multitudes of women at the houses, pressing to present a petition to the parliament, and their language is, that where there is one woman now here, there would be 500 to-morrow; and that it was as good to die here as at home. Serjeant-major Skippon was again called in, and Mr. Speaker told him that the House took notice of his discreet carriage in this business, and gave him hearty thanks for it. They desire you would use your endeavours to pacify the multitude, and send them home in quietness; and that the House is now in consideration of matters of great consequence, and will hereafter give such directions as the occasion shall require' (*Journals*, vol. ii. p. 407). The House sat next day, and there is no mention of the petition. It adjourned from that day (Wednesday) to Friday, and then there is this entry: 'A petition delivered from certain gentlewomen, and other tradesmen's wives, of London and the suburbs thereof, was this day read; and the burgesses that serve for the borough of Southwark, Mr. Pym, Mr. Strode, and Alderman Pennington, are to go out to them, and to tell them, that this House has read their petition, and is very apprehensive of the calamities they suffer, and will use all the best care they can for the preventing and remedying of them; and desire they would continue their prayers for a good success upon their endeavours'

(*Id.* p. 413). Pym addressed them, accordingly, when he desired them to return home, and convert their petitions to the House into prayers to God (*Old Parl. Hist.* vol. x. p. 272; Cobbett's *Parl. Hist.* vol. ii. p. 1072). Now, if this petition were from the same women whom Skippon required directions about, it is evident that the petitioners were by no means encouraged; if it was from a different set, then they must have been of a higher class. However Mr. Hume might despise a brewer's wife, everybody knows of what rank they now are; and in former times many citizens, and their wives of course, were also high. Besides, let them have been of a humble station, the result is, that the parliament properly conceived it to be its duty to attend to the cries of all. With regard to the petition itself, it is admirably drawn; and it certainly was not too much in the English matrons, on the eve of a civil war, to apprehend similar evils to those which had been suffered in the neighbour isle, when the same instruments were supposed to be at work in England. As to the Scriptural allusions, they were according to the feelings of a religious age, when religion was threatened. A pious man naturally, on great occasions, fortifies himself from the fountain of his faith: yet nothing is easier than to give such a turn to the most pathetic and sublime allusions, as to make them appear ridiculous. But then Mr. Hume could say of the notice taken of this petition, which he burlesques, 'Such low acts of popularity were affected, and by such illiberal cant were the unhappy people incited to civil discord and convulsions!' Had he not been culpably remiss in examining authorities, nay, in perusing Clarendon, he must have known that Charles had long since resolved on war.

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militia, by the principle that all the officers should be nominated with the approbation of both Houses of Parliament. They had voted a petition on that subject, and applied for the concurrence of the Lords; but as that body, though the minority was strong, refused their concurrence, the petition was presented from the Lower House alone. The answer was a direct negative; and as the Commons had secret intelligence of the royal designs, which were farther developed by a motion in the Upper House by the Duke of Richmond, a creature of the court, to adjourn for six months (the bloody condition of Ireland was surely not considered in this), they again applied for the concurrence of the Lords to a fresh petition. But the message which they sent up on that occasion is remarkable. After stating the urgency of the case, they desired that, if the Lords would not join with them when the country was at the last gasp, those, at least, who were of the same opinion with the Commons should declare themselves; and they protested that if this message were to meet with the fate of the former, it should be the last they ever troubled them with on that business; but that they should hold themselves innocent of all the mischief which might succeed. This had the desired effect. The Lords concurred in a petition, while they passed the bill for depriving the prelates of their votes in parliament, and also that for pressing soldiers for the service of Ireland.*

The
queen's de-
parture to
Holland—
the passing

It was now the object of Charles to gain time, and to amuse the parliament with the appearance of granting what he had determined to resist, till he had set himself

Clarendon's statements regarding counter petitions, which Mr. Hume refers to, are not ingenuous. That the parliament were disposed to discourage petitions which, if followed, would have led to the general ruin (for they knew that the king was resolved on force), may be inferred; but those which were discouraged, appear to have been of the most in-

flamatory kind against the measures which had already been embraced by the legislature, and were secretly set on foot to promote the mischievous projects of the king.

* *Old Parl. Hist.* vol. x. p. 229 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. pp. 1029, 1038, 1041, 1048, 1061 *et seq.*; Clarendon, vol. ii. p. 400 *et seq.*; *Journals.*

at the head of a military force with which he could crush his grand council, and with it annul all its acts. The queen prepares, therefore, to set off with the Lady Mary for Holland, to raise supplies; and the leading men were secretly apprised that there was an intention to carry the prince thither also, that he might be no obstruction to the military proceedings which were meditated. As the queen, therefore, accompanied by Charles, proceeded to Dover to take shipping, the two Houses, lest the prince should be carried abroad, issued orders to the Marquis of Hertford, to whom the custody of the prince was committed, not to allow him to visit his mother on her passage.* It was while the queen was just on the

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of the bill
against
episcopacy
—motions,
&c. about
the militia.

* The Commons seem to have very early got intimation of the queen's purpose, and of a design to carry the prince abroad (see *Journals*, vol. ii. p. 379), for an order on the 14th of January was issued about him. Mr. Hume says, 'The rage of the people was on account of her religion, as well as her spirit and activity' (he might have added, in conspiring the general ruin—as the army-plots, &c., not to say the Irish rebellion—fully proved), 'universally levelled against her. Usage the most contumelious she had hitherto borne with silent indignation.' (What! were her spirit and activity in exciting the blackest conspiracies proofs of this?) The Commons, in their fury against priests, had seized her very confessor; nor would they release him upon her re-

peated applications.' This confessor had been too long with her for the peace of England. He was removed in consequence of letters having been intercepted from him, and another priest of his name, if not himself, to Mr. Walter Montague,* who, having turned Papist, had considerable interest in foreign courts. Thus does the Jesuit write, at the very time of the first army-plot, and before the death of Strafford: 'The good king and queen are left very naked: the Puritans, if they durst, would pull the good queen to pieces. *Can the good king of France suffer a daughter of France, his sister, and her children, to be thus affronted? Can the wise cardinal endure England and Scotland to unite, and not be able to discern? In the end it is likely they will join together, and turn head against France. A stirring ambas-*

* This Mr. W. Montague was the second son of the Earl of Manchester. He is represented to have been a man of great talent and address. After much levity and dissipation, he changed his religion, and became a most mortified but bigoted devotee. He lived long in the French court, where he was highly esteemed, as he likewise was by Charles and his consort. He afterwards took

orders, and was created abbot of Pontoise. He was also appointed the English queen's confessor on the death of Father Philips, whom he far exceeded in bigoted violence (Whitelocke, pp. 32, 75; Franklyn, p. 768; Clarendon's *Hist.* vol. iii. p. 401; vi. pp. 391, 392, 546, 547; *Life*, vol. i. pp. 120, 121, 238-40; *Sidney Papers*, vol. ii. pp. 676, 677; App. to Evelyn's *Mem.* p. 142).

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eve of her departure, and Charles was afraid that the parliament, having discovered his projects, should detain

sador might do good here. Some have braved little less than to unthroned his majesty, *who, if he had but an ordinary spirit, might easily quash and suppress these people.* Our good queen is much afflicted; and, in my conscience, the Puritans, if they durst, would tear her in pieces. *This cannot be for the honour of France, to endure a daughter of that nation, and her children, should be thus oppressed and affronted. Balfour hath proved an arrant traitor to the king, who commanded him to receive an hundred men into the Tower, which he most traitorously refused.* The other letter is to this effect: 'You may expect some company with you ere long: Crofts, Sucklin, Percy, Jermyn are gone; all things are in great uncertainties; a protestation is made and taken by both Houses, much like, but much worse, than the Scottish Covenant. I sent you some money by Mr. Jermyn; but now he is gone, I make some doubts whether he might be mindful of you to take it with him. *I have spoken to the queen about your occasions, and I wish to do what I can,*' &c. (Rush. vol. iv. pp. 257, 258; *Journals of Commons and Lords*, 24th June). The Jesuit confessed the first letter to be his, but not the second. The queen had another priest of this name. Now, can it be denied that this was a most dangerous character; that he was clearly of a temper to infuse the most violent counsels into the queen, and used his endeavours to stir up a foreign state against the people of England? He was impeached on various articles, which served as a pretext for his removal from the queen. Ought not Mr. Hume, in fairness, to have stated this, and not put the matter on the score of religion; though the people had sufficient cause to complain even there, considering what they had suffered from innovations? 'Even,' continues this author, 'a visit of the prince to his mother had been openly

complained of, and remonstrances against it had been presented to her.' From this we might infer that the parliament had acted either from bigotry, in consequence of her religion, or from an unfeeling desire to insult her; whereas Clarendon, to whom he refers, informs us that they were influenced by apprehensions alone of a design to carry the prince abroad; and he says, that though their fears were unfounded, which I don't believe, yet that they had received secret intelligence of such a design from a person who had enjoyed confidence about the court (*Hist.* vol. ii. p. 436; *Life*, pp. 53, 103). Mr. Hume is not more ingenuous than Clarendon about her motives for going abroad; that she was secretly threatened with an impeachment, &c., and that there was no intention to resort to hostilities: for the first alludes afterwards to the money raised upon the crown jewels, which she had carried abroad, with a view to war; and the last inadvertently tells us that, at her departure, Charles promised he would never make peace, except through her mediation. She had pretended to be afraid of an impeachment; but when the parliament took up the matter, she would not disclose the names of the informers, &c. The truth is, she wished a pretext for quitting the kingdom, and affected fears, to conceal her plans with the crown jewels (see *Parl. Hist.* vol. x. pp. 229, 253; Cobbett, vol. ii. pp. 1047, 1061; Rush. vol. iv. p. 554; *Journals*; Clarendon's *Hist.* vol. ii. pp. 417 *et seq.*, 532, 672; vol. iii. p. 143; *Life*, vol. i. pp. 50, 79, 98 *et seq.*, 154 *et seq.*

Lord Digby having fled, after his failure at Kingston, and escaped with difficulty by the royal assistance, wrote a letter to his brother-in-law, Sir Lewis Dives, in which he calls the parliament traitors, and expresses himself strongly against accommodation, recommending that the king should retire to a strong place, where

her, that the bill for impressment, and that for removing the bishops from the Upper House, were passed. Nay, even in regard to the militia, he gave an answer which was conceived to be equivalent to granting the desire of the parliament; that when he should know the extent of the power intended to be established in the persons whom they wished to be appointed commanders in the several counties, and to what time the authority should be limited, so that no power should be executed by him alone, without the advice of both Houses, he declared that, for their satisfaction, he would then place the militia and forts under the command of individuals whom they recommended, provided he had no just exception to the particular persons. As an apparent earnest of this, he displaced Byron, and substituted Sir John Conyers, whom they recommended, as lieutenant of the Tower; though he had formerly irritated them by a refusal on this head. But the motive for the refusal was now removed by the measures adopted to guard that important place. In consequence of his majesty's answer regarding the militia, an ordinance was prepared by both Houses, which, with a list of the individuals to be filled up, was transmitted to him; and as the queen was still in England, he, to gain time, answered that he had not at present leisure to consider of so important a matter. This being deemed equivalent to a denial, excited dissatisfaction; and a second answer was sent, which, while it seemed in a measure to grant their

he might protect his servants: he also asks for a cypher, that they might correspond in safety, &c. This was intercepted, and along with it one to the queen to the same effect, and in which he also asks for a cypher from her. The first having been opened, and found to be of so pernicious a description, the other was likewise opened; and Mr. Hume says, *'they affronted the queen, by opening some intercepted letters written to her by Digby.'* What meaning

to attach to this—except that the parliament had no right to inquire into and defeat conspiracies in which she was engaged against the legislature, and the security of the whole people—I know not. This is gallantry with a vengeance! Clarendon denounces the act of opening letters as 'barbarous curiosity' (vol. ii. App. p. 589), yet censures his friend, Lord Falkland, as having absurd and false delicacy to restrain him from such a piece of duty.

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request, was only calculated to evade it. The purport was, that he admitted their right to the nomination of officers, except in corporate towns—an exception as extraordinary in itself, as it was objectionable in regard to the security of parliament. Many counties had already entered upon measures relative to the militia; and the Commons had fully evinced their moderation, and the real jealousy entertained of the monarch with which they were actuated, by nominating peers in almost every case to the command of the military in the respective shires, whence Charles might easily have anticipated that a denial now would only inflame them with indignation and inspire additional fear. Both Houses immediately voted that those who advised his majesty to return such an answer were enemies to the state, and mischievous projectors against the defence of the kingdom; that the denial was of such dangerous consequence, that if his majesty persisted in it, it would hazard the peace and safety of all his kingdoms, unless some speedy remedy were applied by the wisdom and authority of both Houses of parliament; and that such parts of the kingdom as had already put themselves into a posture of defence against the common danger had done nothing but what was justifiable, and approved of by both Houses. These resolutions were ordered to be printed, and another petition of a far stronger nature was sent to the king. In this they intimate their purpose of disposing of the militia of their own accord, if their request were denied; pray that he will himself return to the neighbourhood of London, and allow the prince also to remain in the vicinity; and declare that they never could conceive themselves safe till he cast off the wicked counsellors who interposed their corrupt and malicious designs betwixt his goodness and his own and the people's prosperity.*

* Rush. vol. iv. p. 517 *et seq.*; *Parl. Hist.* vol. ii. pp. 1083, 1097, 1106; *Husband's Col.* pp. 73, 74.
Old Parl. Hist. vol. x. pp. 285–89, 299, 308–9, 321 *et seq.*; Cobbett's

To understand the spirit of the answers, it is necessary to relate what had happened in the course of the events which have just been detailed. Both Charles and his consort were most anxious that she, and, there is reason to believe, their children too, should be removed from England, lest they should be in a manner retained by the parliament as hostages for its security.* And it was just on the eve of her departure that he, by commission, passed the bill for pressing soldiers, and that for depriving the prelates of their seats in the Upper House. But though he passed the bills, he never intended, as we learn from Clarendon himself, that they should be obligatory upon him. He yielded to these and other acts, according to the noble historian, on the principle that, in their passage through the Houses, there had been something like constraint; and that therefore they contained an original defect, which no confirmation by him could cure, since a ratification can never validate what is positively null.† Whether this casuistry were suggested by others, or invented by himself, it is evident that, with a monarch who acted on such principles, there could be no safety in any agreement. When Henrietta left England, she was exceedingly apprehensive ‘that the king would, at some time, be prevailed with to yield to some unreasonable conditions;’ and, ‘to make all things therefore as sure as might be, that her absence should not be attended with any such inconvenience, his majesty made a solemn promise to her at parting, that he would receive no person into any favour or trust who had disserved him without her privity and consent; and that, as she had undergone so many reproaches and calumnies *at the entrance into the war, so he would never make any peace but by her interposition and mediation, that the kingdom might receive that blessing from her.*’‡ Secret as were the royal pur-

* *Mem. par Mad. de Motteville*, tome i. p. 268. See former references.

† *Clar. Hist.* vol. ii. pp. 429, 430.
‡ Clarendon, *Life*, vol. i. pp. 80, 156. The general statements of

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poses, they did not escape the vigilance of both Houses; and as in the subsequent messages Charles acted subtly, with a view to his main design, so, in all their measures, the Houses had reference to this object. For, long after this, he not only continued to negotiate, but solemnly denied—calling God Almighty to witness his sincerity—that he had any intention of war, though war that precluded accommodation had then been resolved upon; and the same apologetical historian, whose office as councillor, and peculiar opportunities of knowledge, prevented the possibility of mistake, informs us, that ‘the concert with the queen shut out all opposite consultations.’ *

Clarendon gives it as his opinion, that, as the prejudice was principally against the queen, had Charles, after her departure, returned to Whitehall, he might have accommodated matters ‘by very moderate condescensions;’ and though we may, in opposition to this historian, observe, that considerable sacrifices of power would have been requisite, still he might have restored tranquillity on terms not incompatible with his dignity as a monarch. As he had, however, resolved upon hostilities, so, now that the queen was gone, he determined to act with greater decision; but he, at the same time, conducted himself with greater policy, though not with more honesty, than formerly. Hyde had often, as a secret counsellor, clandestinely visited him in the dark; † and, now that Charles meant to go north, an arrangement was made between the monarch and him, of a nature so extraordinary, that we cannot forbear from transcribing Clarendon’s own account of it, particularly as it affords a clue to that character for talent which Charles unjustly acquired.

Clarendon are directly opposite to this, because no otherwise could he defend his master. His candour, then, is no longer a subject of doubt; and what shall we think of the minister whose professions of piety

were unceasing, that could put into the mouth of Charles so many protestations and appeals to heaven that he entertained no such designs?

* *Clar. Life*, vol. i. pp. 57, 112.

† *Ibid.* pp. 48, 50, 90, 98.

At a secret interview, the king, previous to going north, told Hyde 'that he should not see him any more before he took that journey; and therefore he required him upon all occasions to write to him, and advertise him of such matters as were fit for him to know; and to prepare and send him answers to such declarations or messages as the parliament should send to him. He said he knew well the danger he underwent, if he were discovered. But his majesty assured him, and bade him be confident of it, that no person alive but himself and his two friends should know that he corresponded with his majesty; and that he would himself transcribe every paper in his own hand before he would show it to any man, and before his secretary should write it out. Mr. Hyde told him, that he writ a very ill hand, which would give his majesty too much trouble to transcribe himself, and that he had so much friendship with Secretary Nicholas, that he was well content that he should be trusted. To which the king said, Nicholas was a very honest man, and he would trust him in anything that concerned himself; but in this particular, which would be so penal to the other, if it should be known, it was not necessary, for he would quickly learn to read the hand, if it were writ at first with a little more care, and nobody should see it but himself. And his majesty continued so firm to this resolution, that though the declarations from the Houses shortly after grew so voluminous that the answers frequently contained five or six sheets of paper very closely writ, his majesty always transcribed them with his own hand, which sometimes took him up two or three days and a good part of a night before he produced them to the council, where they were first read, and then he burned the originals.*

* Clarendon's *Life*, vol. i. pp. 54, 55, 106-8. Mr. Hume says, in a note, E. E., that these declarations by the king 'contained the first regular definition of the constitution, according to our present ideas of it,

that occurs in any English composition, at least any published by authority; and after what we have proved on this subject, it is unnecessary to make any remark on such a statement. But what can one

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Such were the views of Charles, and such the arrangements formed. When the petition, to which we last alluded, was voted, Hyde, having slyly left the house, quickly sent a messenger to apprise the king that such a petition would be speedily presented, and to furnish him with the short answer which might be necessary at the presenting, while he (Hyde) would prepare a full one.* When, therefore, the petition was read to him, Charles, who was perfectly prepared, answered to the individuals deputed to present it, 'That he was so much amazed at their message, that he knew not what to answer; that they spoke of jealousies and fears; but he desired them to lay their hands to their hearts, and ask themselves whether he might not be disturbed with fears and jealousies; and, if so, this message had not lessened them; that his former answer in regard to the militia was agree-

think of his appealing to the language of the attorney-general, and of other crown counsel, during the debate in Hampden's case about ship-money and arms, 1637, in 'insisting plainly, and that openly, on the king's absolute power, and to the opposite lawyers not denying it!' It was this assumption of absolute power, and the profligacy of lawyers and judges in some things, which led to the subsequent convulsions; and had Mr. Hume never heard or seen in his researches, particularly in the Remonstrance, that the counsel for the popular rights were not allowed to proceed? for instance, that Holborn was most infamously treated? Had he forgotten all the proceedings of this and former parliaments against divines, judges, and ministers of state, for maintaining and acting upon arbitrary principles, which were arraigned as repugnant to the genius of the English laws and constitution? Had he forgotten the petition of right which he pronounces equivalent to a revolution in the government? Had he forgotten that it was his grand object to prove

that the people complained without cause, and that the measures of parliament were hostile to monarchical principles? The result, then, is just this, that the measures and language of the court and its creatures, had excited the deepest indignation throughout the empire; and yet that Mr. Hume, while he unqualifiedly condemns the parliamentary vindication of the public rights, and the general spirit afloat, assumes that it was the universal opinion of England that the king was absolute — because his prostituted judges and lawyers, in support of his despotical measures, used the very language which was so deeply and generally resented! Jefferies, at a much later period, used the same language with that appealed to by the historian, and the same inference might be drawn from it. We may add, that the liberal principles which breathe in the State Papers came from the parliament, and that Charles never uttered such, but as a cloak to designs against that assembly and the general freedom.

* *Clar. Life*, vol. i. pp. 56, 57.

able in justice to what they should ask, or he in honour grant; that he would bid them ask themselves whether he had not cause to leave Whitehall? and as for his son, he would justify himself to God, as a father, and to his dominions, as a king, in his care of him; *that he assured them upon his honour he had no thought but of peace and justice to his people, which he would, by all fair means, seek to maintain, relying upon the goodness and providence of God for the preservation of himself and his rights.**

When this answer was reported, the Houses immediately resolved that the kingdom should, according to the former determination, be forthwith, by their authority, put in a posture of defence; that a declaration on the grounds of their fears and jealousies should be drawn up, and presented to his majesty; and that all the lords lieutenants of England, constituted by the king, should immediately bring in their commissions, to be cancelled as illegal. They also sent a message to the Earl of Northumberland, lord high admiral, that, as they had received intelligence of extraordinary preparations by foreign princes, both by sea and land, and dreaded their machinations, they desired that he would put the whole fleet in immediate readiness, and engage as many owners and masters of merchantmen as possible to promise their vessels in case of necessity. The order was immediately obeyed.†

In the Declaration, which was prepared in consequence of this vote, and transmitted to the king, then at Newmarket, the Houses stated, as part of the grounds on which their fears were founded, that the design for altering religion had been principally contrived and carried on by those in authority at court: That the Scottish war had flowed from the same source: That it appeared, by many concurrent testimonies, that the Irish rebellion was

* *Clar. Life and Hist.* vol. ii. pp. 440-41; *Rush.* vol. iv. p. 525; *Parl. Hist.* vol. x. p. 329; *Cobbett's Parl. Hist.* vol. ii. pp. 1110-11; *Husband's Col.* p. 92 *et seq.* *Whitelocke*, p. 56.

† *Clarendon*, vol. ii. p. 442; *Old*

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contrived in England, and the principal rebels themselves declared that their object was the recovery of the prerogative from the encroachments of the Puritan faction, and the preservation of episcopacy; while they called themselves the queen's army, and affirmed that they did nothing but by authority; that the manifold attempts to bring up the late army against the parliament, to raise a faction in the city, &c., had all been encouraged from the court, and the actors particularly countenanced there, as the warrant to transport Jermyn, one of the conspirators, out of the kingdom, after an order to stop the ports, and the petition signed C. R. too distinctly proved: That the late breach of the privileges of parliament bespoke the same purpose; and that they had received many advertisements from Rome, Paris, and other parts, of a great design for altering religion, and breaking the neck of parliament; and of the pope's nuncio having solicited the kings of France and Spain for 4000 men each to assist the English king in his projects. They concluded with beseeching him to consider how easy and fair a way he had to happiness, honour, and greatness, by uniting with his parliament and subjects in defence of religion, and for the public good. 'This,' said they, 'is all we expect from you; and for this we shall return to you our lives, fortunes, and uttermost endeavours to support your majesty, your just sovereignty and power over us; but it is not words that can secure us in these our humble desires. We cannot but too well and sorrowfully remember what gracious messages we had from your majesty this summer, when, with your privity, the bringing up the army was in agitation; we cannot but, with the like affections, recal to our minds how, not two days before you gave directions for the accusation against the six members, and your own coming to the Commons House, that House received a gracious message that you would always have a care of their privileges as of your own preroga-

tive; of the safety of their persons as of your own children.*

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The Declaration was read to his majesty by the Earl of Holland, one of those deputed to present it; and when he came to that part which related to Jermyn, Charles interrupted him with—‘that’s false,’—again—‘’tis a lie.’† The earl politely smoothed the matter over; and the parliament, with great politeness, afterwards proved, most satisfactorily, that it was perfectly correct. On the following day Charles, in the language which had been furnished to him, gave this answer: ‘I am confident that you expect not I should give you a speedy answer to this strange and unexpected declaration; and I am sorry, in the distraction of the kingdom, you should think this way of address to be more convenient than was proposed by my message of the 20th January last, to both Houses.

‘As concerning the grounds of your fears and jealousies, I will take time to answer particularly, and doubt not but I shall do it to the satisfaction of all the world. God, in his good time, will, I hope, discover the secrets and bottoms of all plots and treasons, and then I shall stand right in the eyes of my people.

‘For my fears and doubts, I did not think they should have been thought so groundless and trivial, while so many seditious pamphlets and sermons are looked upon, and so great tumults are remembered, unpunished, uninquired into. I still confess my fears, and call God to witness, that they are greater for the true Protestant profession, my people, and laws, than for my own rights or

* Husband’s *Col.* p. 97 *et seq.*; Rush. vol. iv. p. 528 *et seq.*; *Old Parl. Hist.* vol. x. p. 337 *et seq.*; Cobbett’s *Parl. Hist.* vol. ii. p. 1114; Clarendon, *Hist.* vol. ii. p. 443 *et seq.*; Whitelocke, p. 57.

† This seems to have been a favourite phrase with Charles. Secretary Nicholas having written to him that

it behoved him (Nicholas) to be cautious in writing to his majesty, as some of his friends had assured him that letters sent to the king miscarried afterwards, and were seen; the other makes this apostile, ‘It is a ley’ (Append. to Evelyn’s *Mem.* p. 51.

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safety; though I must tell you I conceive that none of these are free from danger.

‘What would you have? Have I violated your laws? Have I denied to pass any bill for the ease and security of my subjects? I do not ask you what you have done for me.

‘Have any of my people been transported with fears and apprehensions? I have offered as free and general a pardon as you yourselves can devise. All this considered, there is a judgment from heaven upon the nation, if these distractions continue.

‘God so deal with me and mine, as all my thoughts and intentions are upright for the maintenance of the true Protestant religion, and for the observation and preservation of the laws of this land; and I hope God will bless and assist those laws for my preservation.’*

In order to understand that part of the king’s speech which regarded the general pardon, it may here be stated that, in answer to urgent petitions that he would proceed in the impeachment of the six members, he had intimated his resolution to renounce all proceedings against them, and to issue a general pardon, as ample as the two Houses should desire. This, however, did not satisfy them. A pardon implied guilt on the part of those who obtained the remission; and therefore a bill in their vindication was immediately prepared; but Charles, alleging that it reflected on him, which it certainly did, refused to pass it.†

On the day following the delivery of the Declaration, when Charles returned the answer given above, the Earl of Holland, who read it, endeavoured to persuade him to reside near his parliament; and the king answered, ‘I would you had given me cause; but I am sure this Declaration is not the way to it; and in all Aristotle’s

* Rush. vol. iv. p. 532; Husband’s *Col.* p. 108 *et seq.*; *Old Parl. Hist.* vol. x. p. 328 *et seq.*; Clarendon, vol. ii. pp. 450–51.

† *Old Parl. Hist.* vol. x. p. 388; Cobbett’s *Parl. Hist.* vol. ii. pp. 1134–46 *et seq.*

rhetoric there is no such argument of persuasion.' The Earl of Pembroke, upon this, reminded him that the parliament had humbly besought him to come near them. But his majesty replied, 'he had learned by their Declaration that words were not sufficient.' The earl then moved him to express what he would have. To which he replied that 'he would whip a boy in Westminster School, if he could not tell that by his answer;' and farther said that 'they were much mistaken if they thought his answer to that a denial.' The earl having then asked whether the militia might not be granted, according to the desire of parliament, for a limited time, Charles 'swore by God, not for an hour; you have asked that of me in this which was never asked of any king, and with which I will not trust my wife and children.'

Of the business of Ireland, he said, that 'it never could be done in the way they proceeded. *Four hundred* will never do that work; it must be put into the hands of one. If I were trusted with it, I would pawn my head to end that work; and though I am a beggar myself, yet (speaking with a strong asseveration) *I can find money for that.*'*

In a large answer, and other papers, the king, of course, denied the statements of the two Houses; but a publication by them of the evidence in relation to the army-plots must have satisfied all men on that head; and as, though the queen had pawned or sold the jewels with all possible secrecy, and prepared arms and ammunition, her whole proceedings and negotiations had not deceived the vigilance of the opposite party,—'whose informations,' says Clarendon, 'were wonderful particular from all parts beyond sea, of whatever was agitated in the king's behalf, as well as from his court, of whatsoever was designed, or almost but thought of, to himself,'—

* *Journals of the Commons; Old Parl. Hist.* vol. x. pp. 356, 357; Cobbett's *Parl. Hist.* vol. ii. pp. 1125, 1126;

Rush. vol. iv. pp. 532, 533; Clarendon, vol. ii. pp. 450, 451.

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the Houses were not to be imposed upon by his most solemn appeals to heaven against the thought of war, or of introducing foreign troops into the kingdom.* After this he pretended, in regard to the militia, that an ordinance was a mode of proceeding with which he was unacquainted; but that if a bill were presented with proper limitations, he would pass it. A bill was presented, and instantly rejected.†

Charles, having fully resolved on war, was only prevented from beginning operations by want of the means; and the Irish rebellion appeared most calculated to afford them, till the arms, &c. arrived from the Continent. While he declared that he would never allow a toleration in that island, he was secretly endeavouring to negotiate a peace with the insurgents,‡ and yet proposed to go in person at the head of an army, to reduce them. He therefore intimated to parliament that he intended forthwith to raise, from the counties near West Chester, a guard to himself in Ireland of 2000 foot and 200 horse, which he proposed to arm out of his magazine at Hull. The two Houses, who were apprised of all his secret purposes, were not to be deceived by this plausible pretext; and they had themselves already devised measures relative to that unhappy country. They had granted a commission to the Marquis of Argyle to transport 1500 men, and had agreed with the Scottish commissioners to accept 2500 men from them, and for their security to give them possession of the town and castle of Carrickfergus, &c.; while they brought a bill into parliament to grant tracts of the rebels' lands, according to a certain proportion, to adventurers who chose to advance money for the reduction of the insurgents. None of these measures were agreeable to Charles. The Scots had just evinced a disposition hostile to his views, by

* Clarendon, vol. ii. p. 640.

† Rush. vol. iv. p. 540 *et seq.*

‡ See Appendix to Clarendon's

Hist. of the Irish Rebellion, with former notes.

offering to mediate between him and the parliament, and proposing uniformity of religion in the respective nations; and the monarch, while he attempted to soothe the leading men in the sister kingdom, recommenced, or continued rather, his intrigues with Montrose. It was not, therefore, on this ground, as well as on others, to be expected that he should wish the Scots to be invested with military power in Ireland; and he objected to the arrangement with that people, that it gave them too much authority in a kingdom dependent on England. But it was not in his power to withstand the measure. The suspicion against him in regard to the Irish rebellion was widely spread; and the Commons had just charged him with having granted passes to Irish Catholics, who, after an order to restrain them, had gone from England to that country, and appeared in the ranks of the rebel forces. But so deeply was the rebellion abhorred in England, that he well knew, if he did not remove the charge, he would be deserted by all ranks; and, while he passed the act in favour of the Scots, he loudly complained of misrepresentation, and called upon the Commons to produce an instance of his having given such passes. They referred to several, and alleged that, under general passes, many individuals had been included. He gave explanations; but, though these have been deemed satisfactory by his advocates, they neither appeared so to the Commons, nor probably would to the unprejudiced reader. On the same principle he assented to the other act; but he afterwards interposed to prevent its execution, nay, seized upon articles provided against the Irish rebels, and turned them against the parliament; while, by withholding the Earl of Leicester's instructions as lord lieutenant, he prevented his going thither to discharge his duty.

Under such circumstances, and in such an unsettled state of England, the Commons voted some very sharp resolutions against his going to Ireland, declaring the advisers of such an expedition enemies to the common-

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wealth. But he nevertheless persisted in his resolution of raising a large guard, and politically devolved power upon Ormond, whom he created a marquis, to nominate his own officers, that the army might be prepared for the cessation of hostilities in Ireland, and a different service in England.*

The two Houses of Parliament, after they had, by the appointment of the Hothams governors of Hull, and other measures, defeated the scheme which had been undertaken by the Earl of Newcastle and Captain Legg, ordered the magazine to be removed to the Tower; but, as this had not yet been effected, Charles, whose designs, clothed under the pretext of an expedition against the Irish rebels, had been frustrated, determined by a different course to obtain possession of those military stores. Sir John Hotham was supposed by the Royalist party to be favourably inclined towards them, nay, was likewise suspected of such a disposition by the opposite side; and the two Houses, while from his influence in the neighbourhood they had deemed it advisable to trust him, prudently joined with him in the same commission his son, in whom they had greater confidence.† It was not, therefore, without reason that Charles expected to gain him over; and he advanced towards Hull with three hundred horse, partly those individuals who had accompanied him to the House of Commons. As he approached, he sent a message that he meant to dine with the governor, and commanded that provision should be instantly made for him and his train. On this critical emergency, Hotham immediately summoned the magistrates and officers to consultation; and it was resolved upon to decline the visit. A respect-

The king demands admission into Hull, and is refused, April 23, 1642.

* *Journals of the Commons*, vol. ii. p. 393 *et seq.*; Rush. vol. iv. pp. 501 *et seq.*, 560 *et seq.*; vol. v. pp. 4, 13, 14; Husband's *Col.*; Clarendon, vol. ii. p. 491 *et seq.*; vol. iii. p. 16; Whitelocke, p. 55 *et seq.*; Hutchinson, vol. i. p. 146; Ludlow, vol. i.

p. 19 *et seq.*; May, lib. ii. p. 38; Carte's *Ormonde*, vol. iii. p. 76; Whitelocke, p. 56; Nos. II. and III. of Append. to the Translation of Wishart's *Memoirs of Montrose*, edit. 1819.

† Clar. vol. ii. p. 389.

ful message to that effect was returned to his majesty; but he continued nevertheless to advance, and it became necessary to act with decision. The gates were shut; the drawbridge was drawn up; and the garrison, which had been lately much augmented, was ordered to act upon the defensive. Hotham, however, proposed to admit the king, with the prince and twelve followers;* but as that did not correspond with the royal view, it was indignantly rejected. Menaces and flattery were used by turns; but when all proved fruitless, Charles, who had not strength to force an entrance, contented himself with denouncing the governor a traitor. The refusal, which Hotham defended by the peremptory orders of parliament, was loudly complained of as the deepest insult to authority. The king demanded of the parliament the exemplary punishment of Hotham, and the immediate delivery of the town and magazine as his own property; declaring that, till this were done, he could attend to no other business, as the conduct of that individual reduced him to a worse condition than the meanest of his subjects, who were permitted to enjoy their own goods, while he was thus deprived of his; and that he would try by all possible ways, through the assistance of God, the law, and his good subjects, to obtain the restitution of what he had been thus illegally despoiled. To this declaration the parliament published an elaborate answer, in which they justify their own act as exercised in the person of Hotham; and refute the absurd position that the town and magazine were the royal property in the same sense as a man's goods or jewels are his own. They argue that, though the king may be entrusted for the common good, the powers delegated to him by the community must be regulated by circumstances; that the erroneous maxim

* Clarendon says that the king proposed to enter with twenty followers; and Charles complained that such a statement by him was not

believed; but though Whitelocke adopts it, it appears to have been quite unfounded. Rush. vol. iv. p. 567.

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infused into princes, that their kingdoms are their property, and that they may do with them what they will (as if their kingdoms were made for them, and not they for their kingdoms), is the root of all their subjects' misery, and of all the invasions of their just rights and liberties; that the king is merely entrusted with the forts, &c. for the general good; and that even the crown jewels compose a part of this trust, being only put under his command for public uses; that as the trust is for the common good, so ought it to be exercised by the advice of both Houses of Parliament, whom the nation has authorised to see it properly discharged; that were it, however, even to be admitted that his majesty had a property in the town and magazine of Hull, yet the parliament was entitled to dispose of his property, as well as that of his subjects, in such a manner as to secure the kingdom from danger; that it was in vain to urge precedents, since the present parliament might, upon better reasons, make precedents for posterity than their ancestors had done for them, and no precedents could set limits to their authority, which must vary according to the conditions of the times; that if there had been no precedents, it was merely because there had not hitherto been counsellors who attempted to alienate the people from parliament, or harboured a thought that it could be accomplished. 'Were there ever,' say they, 'such practices to poison the people with an ill apprehension of parliament? Were there ever such imputations and scandals laid upon the proceedings of both Houses? Were there ever so many and so great breaches of privilege? Were there ever so many and desperate designs against parliament and the members thereof? If we have done more than our ancestors have done, we have suffered more than ever they suffered; and yet, in point of modesty and duty, we shall not yield to the best of former times; and we shall put this in issue, whether the highest and most unwarrantable precedents of any of his majesty's predecessors do not fall

short and much below what has been done to us this parliament? and, on the other side, whether, if we should make the highest precedents of other parliaments our patterns, there would be cause to complain of want of modesty and duty in us, when we have not so much as suffered such things to enter into our thoughts, which all the world knows they have put into act?'

In other dispatches, Charles professes the utmost regard for the liberties of the people and the Protestant religion; declaring that he never will allow a toleration, and appeals to Almighty God for his sincerity in these matters, and in his abhorrence at the idea of reducing the kingdom by force, or introducing foreign troops. But he argues, that the militia, with all the forts, had been entrusted to him and his heirs for ever; and that it cannot be believed that a body called at his pleasure, and appointed by the people for a season, should ever be intended as guardians or controllers in managing that trust which God and the law had committed to him and his posterity for ever.*

The parliament prayed that the king would dismiss his guards, and return to the neighbourhood of London; and when they perceived that accommodation was hopeless, and understood how busy the queen was in raising money upon the crown jewels, they entered into a resolution, which they published, that the king intended to make war upon them; and passed an ordinance, that whoever lent money upon the crown jewels, or assisted in pawning them, should be deemed an enemy to the state, and be liable, out of his own property, for any damage which might ensue. Charles complained much of the vote in regard to his intention of making war, declaring that God knew his heart abhorred it; † and to such a height did he

* Husband's *Col.* p. 138 *et seq.*; Rush. vol. iv. p. 565 *et seq.*; Clar. vol. ii. p. 500 *et seq.*; Whitelocke, p. 57 *et seq.*

† Husband's *Col.* p. 259 *et seq.*; Rush. vol. iv. p. 624; Clar. vol. ii.

pp. 539, 640. 'It may seem strange,' says this author, 'that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, "that the king did intend to make war against

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and his councillors carry their hypocrisy, that, even on the 15th of June, when the arms had been purchased and sent from Holland, and the warlike preparations were far advanced, in council he took 'notice of the rumours spread and informations given, which might induce many to believe that his majesty intended to make war against his parliament; professed before God, and said, he declared to all the world, that he always had and did abhor all such designs, and desired his nobility and council, who were there upon the place, to declare whether they had not been witnesses of his frequent and earnest professions to that purpose. Whether they saw any colour of preparations, or counsels that might reasonably beget a belief of any such design; and whether they were not fully persuaded that his majesty had no such intention: But that all his endeavours, according to his many professions, tended to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of the kingdom.' 'Whereupon all the lords and councillors

the parliament," when they were so far from apprehending that he would be able to get an army to disturb them, that they were most assured he would not be able to get bread to sustain himself three months, without submitting all his counsels to their conduct and control.'—Clarendon says this, who yet informs us that war of the most rancorous kind had been determined on before the queen left England; and who, only on the seventh page preceding the one just quoted, writes thus, 'Beyond the seas the queen was as intent to do her part, and to provide, that so good company as she heard was daily gathered together about the king, should not be dissolved for want of weapons to defend one another; and, therefore, with as much secrecy as could be used in those cases, and in those places where she had so many spies upon her, she

caused, by the sale or pawning of her own and some of the crown jewels, a good quantity of powder and arms to be in readiness in Holland against the time that it should be found necessary to transport it to his majesty; so that both sides, while they entertained each other with discourses of peace (which always carried a sharpness with them that whetted their appetite to war), provided for that war which they saw would not be prevented.' He elsewhere informs us, that the parliament was apprised of all the royal motions, and particularly of the queen's selling and pawning the jewels to purchase arms (p. 532). Such is the veracity of Lord Clarendon, the individual panegyrised and followed by Mr. Hume, who says that 'he was too honest a man to falsify facts!' (p. 640).

present unanimously agreed, and did sign a paper in these words: "We whose names are underwritten, in obedience to his majesty's desire, and out of the duty which we owe to his majesty's honour and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest declarations and professions of his abhorring all designs of making war upon his parliament, and not seeing any colour of preparations or counsels that might reasonably beget the belief of any such designs, do profess before God, and testify to all the world, that we are fully persuaded that his majesty hath no such intention; but that all his endeavours tend to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom."* This declaration was sub-

* Clar. vol. ii. p. 654 *et seq.* It is impossible to conceive a more melancholy picture of insincerity, nay, downright perfidy, than Charles and his advisers exhibited on this occasion. Nothing need be said of Clarendon who drew the papers; but what shall we say of Lord Falkland, whose memory has been so revered?

Mr. Laing, in endeavouring to show that Charles had meditated war before the queen's departure, quotes Neal's *History of the Puritans*; where that writer informs us, that a few days after the king's removal from Whitehall, it was resolved, in a cabinet council at Windsor, that the queen, who was about to depart with her daughter for Holland, should carry the crown jewels thither to pledge for money, ammunition and arms, and to procure, by the intervention of the pope's nuncio, 4000 soldiers from France and Spain, &c. Laing says, that he could not discover Neal's authority, but justly remarks, that his statement coincides with the inadvertent discoveries of Clarendon. I should be surprised at this had I not early perceived that Laing, while he had looked through a number of manuscripts, had not sifted the nu-

merous publications—including Neal himself—to which he refers, and on which the truth must chiefly depend.—The fact of the jewels appears from all authorities (Whitelocke, p. 55; May, lib. ii. p. 42; Hutchinson, vol. i. p. 146; Ludlow, vol. i. p. 27; *Mystery of Iniquity*, p. 28. Clarendon, who quotes the very State Papers which passed between the king and parliament relative to this subject. See the papers in Husband's *Col. Rush*, vol. iv. p. 736 *et seq.*, and *Parliamentary Histories*.) With regard to the expectations of 4000 troops from each of the powers—of France and Spain—that seemed to have been derived from the State Papers, in which the charge is made by the parliament, in alleged reports from foreign parts, and denied by the king. As to the resolution formed in the cabinet council at Windsor, had Laing looked through Neal he would have found his authority within a few pages of that quoted by him (p. 605). It is Father Orleans who not only tells us this, but develops the truth as to the resolutions formed by Charles before he went to Scotland (tome iii. p. 72 *et seq.*). See Clar. vol. ii. p. 712; see suppressed passages in Cla-

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scribed by thirty-five peers, and also by Lord Falkland and other commoners. Grounded upon it too was a long proclamation, containing statements equally discreditable to the veracity of Charles and of his advisers and supporters: amongst other things, in the most solemn language, and with affected indignation, denied as a measure fraught with the ruin of the commonwealth, all intention of introducing foreign troops into the kingdom: yet he had, as we have seen, attempted such a thing in the first years of his reign, as well as at the commencement of the Scottish troubles, and was even at this moment endeavouring to overwhelm the parliament by assistance from every potentate who would render it, and by even bartering the crown jewels.*

Arms arrive to the king from Holland.

On the 2nd of June, a vessel with the long-expected supply of arms arrived. The ship had been captured in the Humber; but having escaped as the parliament-vessel was carrying her into Hull, ran ashore upon Kenningham Creek. The ordnance, consisting of sixteen large guns, with a great store of small arms and ammunition, was immediately landed, and the countrymen were armed to besiege Hull. That town had, however, been by this time well-prepared for defence, while the motives for besieging it were greatly withdrawn. To try the loyalty of the inhabitants a protestation to maintain the place for the king and parliament had been proposed; and as the majority readily took it, their integrity was both ascertained and secured, while those who refused it were expelled the town. The great ordnance, with a large

rendon, both *Hist.* and *Life*, for a passage not hitherto referred to; see a curious letter from the ambassador at the court of France to one of the secretaries of state; Clarendon's *State Papers*, vol. ii. p. 137.

* See the State Papers on this subject in Husband, Clar., Rush. &c.; see also in the king's cabinet opened, the instructions to be pursued by Colonel Cochrane, in his negotiation with

the King of Denmark for assistance. Charles proposed to give as a security the great collar of rubies, which had been already so much spoken of. The publication referred to presents a deplorable proof of perfidy on the part of Charles; and it is truly melancholy to find Hume and others, in the face of such irrefragable evidence, contend for that monarch's sincerity. See also Ludlow, vol. i. p. 38.

proportion of the small arms and ammunition, had been sent to the Tower, as well with a view to remove the motives for besieging the town, as to prevent their falling into the enemy's hands. New officers, as the old could not be depended upon, had likewise been appointed.*

Charles, having formed his resolution, marched from York to Beverley, which is situated at the distance of a few miles from Hull. His army is reported to have consisted of 3000 foot and 1000 horse. But he relied confidently on the co-operation of the fleet under Sir John Pennington, whom he had just appointed to the command. The commission of the Earl of Northumberland had been withdrawn by him, and a fresh commission was proffered to that nobleman by the parliament; but as he had owed his office to Charles, he refused by such a course to turn the fleet against his employer; and the Earl of Warwick was nominated in his stead. Charles at the same time nominated Sir John Pennington, who had already incurred the resentment of both Houses by assisting in the escape of Digby, when, under the royal warrant, that young nobleman fled from justice; but the affections of the sailors were all devoted to the parliament, and when their officers endeavoured to preserve authority over them for the king, they immediately seized these officers as enemies to the state, and sent them to London. In this way the earl obtained the command; and Charles, disappointed in his hopes from that quarter, and perceiving that the town was well-prepared for a vigorous defence, was obliged to abandon his design.†

An at-
tempt on
Hull.

* Rush. vol. iv. p. 565 *et seq.*; Clar. vol. ii. p. 506 *et seq.*; *Old Parl. Hist.* vol. x. p. 583 *et seq.*; xi. p. 62 *et seq.*; Cobbett's *Parl. Hist.* vol. ii. p. 1285 *et seq.*; May, lib. ii. p. 90 *et seq.*

† Clar. vol. ii. p. 674 *et seq.*; Rush. vol. iv. pp. 502-3, 530-37, 572; May, lib. ii. p. 94. Clarendon abuses the sailors as corrupted in their affections to the monarch; whence two reflec-

tions arise. He, and after him Hume, accuses the Commons of a purpose to insult the king, &c., by insisting upon the removal of Byron from the command of the Tower, because he was a man of unblemished reputation. But the instance before us shows what they deemed necessary to a good reputation; and no one will seriously deny, that a good character with them was the worst recommen-

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As war was unavoidable, the two Houses vigorously prepared for it as well as the king. The militia ordinance was enforced by the first; the array was resorted to by the last. In some counties, by the influence of the great aristocracy, the king was successful. In most, however, the parliament prevailed; and in almost all the towns they encountered small opposition. Both parties, in the meantime, by proclaiming the uprightness of their intentions, endeavoured to gain the people; and the State Papers which passed on the occasion unquestionably do credit to the talents of the writers on either side; but it would be difficult to convince an impartial peruser of them that the display of talent and argument was, as Mr. Hume asserts, chiefly on that of the king.

Littleton
carries the
great seal
to the king.

Forgetting that those rules which apply to the ordinary administration of affairs must yield to unprecedented conjunctures, Charles and his advisers enticed Littleton, the lord keeper, to join the Royal party at York, and carry with him the great seal; and also determined to remove the courts of justice from Westminster, flattering themselves that, as it was high treason to counterfeit the great seal, the two Houses would either not venture to violate a law which, though salutary as a general principle, was inapplicable to the present case, when a pretext of law was employed to overturn every legal security, or that the people would refuse to follow them in so unusual a course, while the removal of the courts would frighten the metropolis, if not the parliament, into submission. But these devices were not calculated for the

dation to the parliament. After Byron's conduct, indeed, it is extraordinary that such statements should have been made. But even Lunsford, the convicted assassin, is not condemned by Hume! The next reflection relates to Carte, who, in defence of Strafford and Charles's conduct in raising the Catholic army, alleges that the officers were all Protestants, and that it was a matter

of indifference what the soldiers were—*though they joined the insurgents*—and he appeals to all the officers in Europe in support of his opinion. Now the case before us, as well as that which occurred in regard to the English army raised against the Scots, completely refutes the idea. Officers are the worst judges of such matters: they are lost in extraordinary conjunctures.

era. A new seal was ordered; and measures were adopted to frustrate the royal hopes on the other ground.*

With the same success, too, did the king allege that the majority of the peers had joined him, or at least deserted the parliament, and therefore that the parliament had lost the character of a free assembly. The two Houses denied the fact, and prosecuted absentees for abandoning their places, while they refuted the idea that, because a part of their number deserted their duty, they should resign the management of affairs to the will of an individual. It must, indeed, be confessed that the allegations of the Royalist party on this head, though they have obtained the assent of the unreflecting, do not bear scrutiny. The natural effect of a guard, which Charles so keenly refused, has already been explained; and now it may be necessary to advert to another bill, which the Commons in particular were anxious for, after the irruption of the king and his followers into the Lower House, but which Charles indignantly rejected—to enable the two Houses to adjourn to whatever place they chose.† It was alleged that the factious minority of both Houses, in conjunction with the London citizens, chased away the majority; and that, had the parliament been assembled

* *Cob. Parl. Hist.* vol. ii. pp. 1234–70; *Old Parl. Hist.* vol. x. p. 530; vol. xi. p. 46; *Clar. Life*, vol. i. pp. 59, 116, 568 *et seq.*; *Hist.* vol. ii. pp. 666 *et seq.*; Whitelocke, pp. 59, 60; Rush. vol. iv. pp. 655 *et seq.*, 718. Clarendon says that there seldom met above twenty-five peers at Westminster, while there were at this time above a hundred altogether, including minors, &c. Hume, not content with Clarendon's statement, asserts that there were rarely above sixteen; and he states this to show that the opposition to the king being unsupported by the peerage was indefensible. Let us see how this applies to the revolution of 1688. I was at pains to

inquire about the Stuart Papers, but finding that none related to the period I have chosen, I did not endeavour to see them, which perhaps would have been a difficult matter, particularly at that time; but I was informed that it appears by them that a vast proportion—a great majority—of the British nobility corresponded with the Pretender. The conclusion is obvious. But the majority of the peers still attended the parliament. (See List in *Old Parl. Hist.* vol. xi. p. 87; *Cobbett's Parl. Hist.* vol. ii. p. 1296.)

† *Old Parl. Hist.* vol. x. p. 198 *et seq.*; *Cobbett's Parl. Hist.* vol. ii. p. 1029 *et seq.*

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elsewhere, very different measures would have been adopted. But, as we have seen, a guard appointed by both Houses must have been completely under the control of the majority in both; and had the other bill passed, it would only have been necessary for the majority of both Houses to have assembled once, in order to have removed the session from the local influence of the metropolis. The assertions of the monarch and his advisers, particularly of Clarendon, about a few individuals governing the parliament, the city, the country, and the army, all against their wills, are so ridiculous, that every one would be astonished at the effrontery that could make them, were not his feelings at that swallowed up in still greater astonishment at the credulity which could listen to such monstrous absurdities.* The real fact seems to have been that many, afraid that the king would ultimately prevail (and in so unprecedented a crisis it is not wonderful), were willing, out of a selfish fear, not to interfere with politics which they were pleased with; and that many resorted to him on the same principle.

State of
parties.

Charles had the zealous co-operation of the whole Catholic body, who were very numerous, and naturally joined a prince who favoured them, and who, by courting their support, promised to raise them from degradation to pre-eminence in the state. He had also the keen support of the high church party, whose principles were not far removed from Popery. A considerable portion of the great aristocracy, too, alarmed for their own exclusive privileges, joined him. But, though of those many were courtiers who, in order to obtain the rewards which they anticipated and were promised, for serving the prince against his people, adhered to the crown, with a resolution to carry matters to any extremity, a great proportion were actuated by better motives. Clinging to their own privileges, which they imagined the popular

* There was an excellent pamphlet published on this subject.

spirit now afloat might subvert, they arrayed themselves on the side of the crown, but not with the view of giving it the ascendancy for which the monarch panted. His success in the struggle they dreaded, as fraught with the ruin of the general freedom—as calculated to restore power to the Papistical party, who they justly concluded would, forgetting the last benefit in the sense of former opposition and insult, wreak vengeance on those most immediately obnoxious to their complete advancement. Their object, which is apparent in many of the loyal addresses, was to give such a temporary support to the throne as might enable it to meet the parliament on equal terms, when a reconciliation upon constitutional principles might be accomplished. Aware of their motives, yet confident of being soon, through their assistance, in a condition to command all parties and break through every restraint, Charles, to gain them, came under the most solemn engagements to preserve the laws.*

* This abundantly appears from the various authorities. The following passages from Letters by Robert Lord Spencer to his wife, a daughter of the Earl of Leicester, throw much light upon the subject. The first is dated from Shrewsbury, Sept. 21, 1642. He had joined the royal standard and he fell fighting under it. 'The king's condition is much improved of late; his force increaseth daily, which increaseth the insolency of the *Papists*. How much I am unsatisfied with the proceedings here, I have at large expressed in several letters. Neither is there wanting daily handsome occasion to retire, were it not for grinning honour. For let occasion be never so handsome, unless a man were resolved to fight on the parliament side, which, for my part, I had rather be hanged, it will be said without doubt, that a man is afraid to fight. *If there could be an expedient found to save the punctilio of honour, I would not continue here an hour.* The discontent

that I, and many other honest men receive daily, is beyond expression. People are much divided; the king is of late very much averse to peace by the persuasions of 202 and 111. It is likewise well conceived that the king has taken a resolution not to do anything in that way before the queen comes; for people advising the king to agree with the parliament was the occasion of the queen's return. Till that time no advice will be received. Nevertheless the honest men will take all occasions to procure an accommodation, which the king, when he sent those messages, did heartily desire' (in this his lordship was, with many others, deceived), 'and would still make offers in that way, but for 220, 111, and the expectations of the queen, and the fear of the *Papists*, who threaten people of 342. I feare 243 (*Papists*) threats have a much greater influence upon 83 (king) than upon 343.' In the next letter, undated, but shortly after the preceding, he says, 'If the king,

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The parliament, on the other hand, had the support of the towns, of a considerable portion of the highest

or rather 243, prevail, we are in sad condition, for they will be insupportable to all, but most to us who have opposed them, so that if the king prevails by force, I must not live at home, which is grievous to me, but more to you; but if, I apprehend, I shall not be suffered to live in England; and yet I cannot fancy any way to avoid both; for the king is so awed by 243, that he dares not propose peace, or accept; *I fear by his last message he is engaged.* But if that be offered by the parliament, I and others will speak their opinions, though by that concerning the treaty were threatened by 243, who caused 99 to be commanded by the king, upon his allegiance to return against his will, he being too powerful for 102, 111, and by whom England is now likely to be governed.' (*Sidney Papers*, vol. ii. pp. 667, 668.) The reader will observe that 243 are the Papists, and yet Mr. Hume makes the idea of danger from that body the unceasing subject of derision. One would almost imagine that *towards one side* he carried into his historical researches a portion of that scepticism which, in his metaphysical disquisitions, led him to doubt the existence of the universe. It is so singular that an author of Mr. Hume's acuteness should have fallen into such an error, or rather that his statements should have been so successful, that it may not be improper, in this place, to present a rapid view of the progress of the Reformation, and of public opinion on that subject. The first motion by Henry VIII. to throw off the papal yoke occurred in the year 1530, and Charles ascended the throne in 1625, or ninety-five years afterwards. The progress that it made, with all the circumstances which attended it under Henry VIII. and his son, it is unnecessary to recapitulate. In 1553 the Catholic worship was restored, and continued to be the established

religion till 1558, or till only sixty-seven years of the reign of Charles. Nor can the spirit with which it was restored and enforced be without horror remembered. The plots, conspiracies, and rebellions, in conjunction with foreign princes, for the restoration of the Pope's power in Elizabeth's time, and the state of affairs on the Continent, must be fresh in the reader's memory. But he may be reminded that the massacre in Paris on St. Bartholomew's Eve occurred in 1572, or within the memory of many who must have been in the full possession of their faculties in 1625, or fifty-seven years afterwards; and that the Spanish Armada appeared on the English coast in 1588, or within thirty-seven years. The next fearful event was the Gunpowder Plot, to blow up the king and parliament, and thus destroy the constitution, when the conspirators imagined they should be able to take the government into their own hands, and force the nation to return into the bosom of the Catholic church. This, however, happened not only in the reign of Charles's father, but within twenty-one years of his own accession. To maintain, therefore, that the Papists were not a numerous and most formidable body at the accession of Charles, is to set all probability, as it does all authority, at defiance; and we may remark, that the very laws against them, which had partly sprung from their own atrocities, necessarily nurtured rancour in the breasts of all who still adhered to that faith. It will now be recollected that Charles had himself proposed to his father to acknowledge the Papal supremacy; that foreigners treated with him on the Catholics' account; that he had not only ever favoured that body, but that a negotiation for reconciliation with the court of Rome in his reign had proceeded far, while the Papists, both

aristocracy, and generally of the gentry, and the lower independent country ranks, particularly the yeomen; of all, in short, who had an independent stake in the community. These perceived that their own liberties and the success of the king were irreconcilable, and they zealously co-operated with the parliament.*

at home and abroad, expected it; and, lastly, that the Irish rebellion, which, in spite of all its unheard-of enormities, the pope hallowed with his fatherly benedictions, &c., and France and Spain and other Catholic states promoted, or, at least, encouraged, had just made Ireland a place of desolation. When these things are called to mind, it will naturally be asked how Mr. Hume could adopt the style he has used? but the solution is easy. The concealed, yet suspected religion of Charles II. and the avowed creed of his brother, inspired just apprehensions for religion, though the progress of time and events had vastly lessened the number of Papists. Out of this panic grew that phenomenon called the Popish Plot. James II. confirmed the national fears, by attempting against all reason to carry the people back to the Romish persuasion; and, as every body knows, the Revolution of 1688 flowed as much from religious as from civil causes. So long as the Pretender threatened British tranquillity, by those in power a cry was zealously maintained against Papists, who by this time had become altogether contemptible as a party in the state. The necessary consequence of protracting the alarm when the cause had ceased, while it afforded a decisive triumph to the whole Jacobite or Tory party, was a feeling of shame at the trick in the well-informed, conscientious portion of the Whigs. But men never stop at the exact line. Having discovered the delusion, the better informed extended to ages when matters were in a very different posture, their contempt of the popular feeling which had outlived the cause. Of

this Mr. Hume knew well how to take the advantage. He informs us in his *Life*, that 'he thought himself the only historian that had at once neglected present power, interest, and authority and the cry of popular prejudice.' But the reception of Carte's works, in spite of all their violence, might have taught him, considering how unsparingly he borrowed from them, to expect success; and have convinced him that the tide was turned. After the year 1745, the hopes of the Pretender were blasted; his party soon abandoned his cause as desperate, and then, far from being excluded from power, they soon got to the helm. The high-church party had been hitherto opposed to the administration, while the dissenters had been favoured; but the aspect of affairs was now changed. The high-church party were in power, and heightened the contempt at the dissenters, by the ridicule of their affected terror of Popery. Now, it is remarkable, that though Hume's history, by having a little preceded the current, was not at first very successful, it soon became so when the tide flowed fast in its new direction.

Roger Coke is a weak writer, but his authority as to the fears of the high Royalists, regarding the king's ascendancy, which, he tells us, he learned from themselves, is in unison with the above, and also with the correspondence in Clarendon's *State Papers* (Coke, p. 279). Even some Popish lords were alarmed for the general franchises, and only supported Charles upon a solemn assurance that he would not violate them (*Clar. Papers*, vol. ii. p. 147).

* This abundantly appears from various authorities.

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Before actually resorting to arms, the parliament, as a last effort to accommodate matters without the effusion of human blood in an unnatural quarrel, sent nineteen propositions to the king, which were of the same nature with what had been resolved upon while Charles was in Scotland, if not even prior to that period, and which were similar to the regulations in the sister kingdom. They were to this purpose: That the privy councillors and the great officers of state should only be appointed with the approbation of both Houses, and that the councillors, and also the judges, should take an oath (such as should be devised by both Houses), for the due execution of their offices, and be responsible to parliament: That the privy council should not exceed twenty-five, nor be under fifteen, and that every act passed by them should be agreed to by the majority: That if any places in the council should become vacant during the intervals of parliament, they should be supplied by the approbation of the majority of that body, and the choice afterwards be submitted to the parliament: That all matters proper for the cognisance of both Houses should be debated there only: That the high offices of constable, treasurer, privy seal, marshal, admiral, warden of the cinque ports, chief governor of Ireland, chancellor of the exchequer, master of the wards, the secretaries of state, the two chief-justices, and the chief-baron, should always be chosen with the approbation of both Houses, or, in the interval of parliament, by the council, in the same manner as privy-councillors, and that the patents to the judges should be *quamdiu se bene gesserint*: That no marriage should be contracted by any of the royal family without the consent of parliament, and that their governors should be appointed with the approbation of both Houses: That such a reformation of the ecclesiastical government as both Houses recommended should be adopted: That the forts and the militia should be under the command and custody of persons approved of by both Houses: That the peers who should be created afterwards should not

be admitted to vote in parliament without the approbation of both Houses: That a bill should be passed to clear Lord Kimbolton and the others: That delinquents should be given up to justice, &c.

'Should I grant these demands,' said the king, 'I may be waited on bareheaded; I may have my hand kissed; the title of majesty may be continued to me; and the king's authority signified by both Houses, may still be the style of your commands; I may have swords and maces carried before me, and please myself with the sight of a crown and a sceptre (though even these would not long flourish where the stock upon which they grew was dead). But as to true and real power, I should remain but the outside, but the picture, but the sign of a king.' Yet he for long after professed his abhorrence of reducing his people by force.*

* Rush. vol. iv. p. 722 *et seq.*; Cob. *Parl. Hist.* vol. ii. p. 1324 *et seq.*; *Old Parl. Hist.* vol. ix. p. 116 *et seq.*; *Journals of Commons*, May, vol. ii. p. 74 *et seq.*; far as June, *id.*

p. 603; *of Lords*, vol. ii. p. 97 *et seq.*; Clar. vol. ii. p. 38 *et seq.*; Husb. *Col.* p. 306 *et seq.*; Ludlow, vol. i. p. 31 *et seq.*



NOTES

TO

THE SECOND VOLUME.

NOTE A.

Regarding the Scottish Canons and Liturgy.

MR. LAING says, that the order of the Assembly held at Aberdeen to frame canons and a liturgy, was suspended in consequence of the opposition to the articles of Perth; that 'It was resumed on the late expedition to Scotland; but that the prelates, considering the English service as a badge of dependence, represented that a peculiar and distinct liturgy was due to the dignity of a jealous nation: that their pride was inflexible on this point alone: that Charles, or rather Laud, was obliged to acquiesce without obtaining an immediate or the promise of an absolute conformity with England; but that the latter was assured that no heresy, and the former that no sedition, should henceforth transpire in prayer; and if there be a choice between superstition and enthusiasm, they were gratified with the preference of a pre-composed liturgy to extemporary worship.'—Vol. i. p. 116. For this statement he quotes Clarendon's *History*, Guthry's *Memoirs*, and Laud's *Troubles*; but he does not appear to have made a judicious use of any of them.

Clarendon tells us that both Charles and Laud wished the English liturgy to be introduced entire: that the bishops and the party in Scotland who were most concerned to promote the business used all their influence to divert the king from attempting it at that time: that the whole design was never consulted but privately, and only some few of the great men of that nation and *some* of the bishops advised with by the king and the bishop of London (Laud); that these very men offered two prudential reasons against the English liturgy: the first regarded the reading of the Psalms and the Apocrypha, which might cause dissatisfaction, and the other was founded upon an idea that, if the English Service-book were obtruded, the people, who were jealous of being considered as a province, to receive laws from England, would resent it.—*Hist.* vol. i. p. 82 *et seq.* Now, surely, the last was the most absurd reason, since the principle assumed by Charles in the whole

business was, that he might dictate what he pleased, and the innovations were all made without the sanction either of the legislature or church: And as to the first, it is inconceivable how he should have listened to such an objection, when, in spite of the general abhorrence, he was ready to force the canons and liturgy, by fire and sword, upon that nation. In another place Clarendon says that, in 1633, Charles 'had left it to the care of *some of the bishops* in Scotland to provide such a liturgy and such a book of canons as might best suit the nature and humour of the better sort of that people, to which the rest would easily submit.' (*So some of the bishops* were to judge for the better sort of the whole nation, as to what might best suit their nature and humour, and what they deemed calculated for that people's nature and humour must be forced upon them by every species of violence. This was indeed a new way of consulting the general inclination). 'And that as fast as they' (some of the bishops) 'made them ready, they should transmit them to the Archbishop of Canterbury, to whose assistance the king joined the Bishop of London and Dr. Wren, who by that time was become bishop of Norwich, a man of a severe, sour nature, but very learned, and particularly versed in the old liturgies of the Greek and Latin churches. And after his majesty should be this way certified of what was to be sent, he would recommend and enjoin the practice and use of both to that his native kingdom.'—p. 103. In a third place he says: 'The canons now published (besides as hath been touched before), that they had passed no approbation of the clergy, or been communicated to the council, appeared to be so many new laws imposed upon the whole kingdom by the king's sole authority, and contrived by a few private men, of whom they had no good opinion, and who were strangers to the nation: so that it was thought no other than a subjection to England, by receiving laws from thence, of which they were most jealous, and which they most passionately abhorred. Then they were so far from being confined to the church and the matters of religion, that they believed there was no part of the civil government uninvaded by them, and no persons of what quality soever unconcerned, and, as they thought, unhurt in them.'—p. 105-6. In regard to the liturgy, he says: 'There was the same affected and premeditated omission, as had been in the preparation and publication of the canons, the clergy not at all consulted in it, *and what was most strange, not all the bishops were acquainted with it*; which was less censured afterwards, when some of them renounced their function, and became ordinary presbyters, so soon as they saw the current of the times.'—p. 108. Here is nothing of the inflexible obstinacy of the Scottish bishops, some of whom only were consulted; and, considering the manner in which the whole business was carried through, the motive assigned for new canons and a new liturgy implies an absurdity.

Guthry, who was an actor in those scenes, and afterwards bishop of Dunkeld, informs us that the bishops appointed by Charles were nominated, not like those by his father at the recommendation of their seniors, but merely from their interest at court; that the young, or lately nominated, kept a fellowship among themselves, and persuaded

Laud to procure from the king authority for himself to prescribe many things to the older bishops which were disagreeable to them; that of those latterly appointed, the only one qualified for the office was Maxwell, bishop of Ross, who to great talents added unbounded ambition, having been a lord of the secret council, exchequer, and of the session extraordinary, while he intrigued likewise for the office of lord high treasurer; that, during the king's visit to Scotland, 'Dr. Laud, then bishop of London, shortly after archbishop of Canterbury (one who had much power with his majesty, but was generally hated by the people), beholding our form of worship, did, in conference with our bishops and others of the clergy, tax the nakedness thereof in divers respects, but chiefly for our want of a liturgy, whereby he thought it might be helped. The old bishops replied, that in King James's time there had been a motion made for it, but that the presenting thereof was deferred, in regard the articles of Perth then introduced proved so unwelcome to the people, that they thought it not fit nor safe at that time to venture upon any further innovations; and they were not yet without fear that if it should be gone about, the consequence thereof might be very sad; but Bishop Maxwell, and with him Mr. Thomas Sydserf, *who was then but a candidate*, and Mr. Mitchell and others, pressed hard that it might be, assuring that there was no kind of danger in it; whereupon Bishop Laud, who spake as he would have it, moving the king to declare that there should be a liturgy in this church, his majesty commanded the bishops to set about it.' The author proceeds to inform us, that while the bishops were engaged in the work, 'a clamour arose, which, upon the sudden spread throughout the land, that religion was undermined by a conspiracy betwixt the Bishop of Canterbury and other bishops, and that they *being suborned by him*, were bringing in the mass-book;' that 'the Archbishop of St. Andrew's, with the wisest of his brethren' (the author does that primate more than justice), 'laid it to heart, and wrote to the Archbishop of Canterbury to deal with the king that the book might be kept back till the nation were better prepared to receive it;' but that the lately preferred bishops, 'being hot blood and wanting somewhat of the experience which the elder sort had,' supported the treasurer (Traquair) in his opinion that the work should be carried through. That Traquair, who, according to Guthry, acted treacherously in the business, having got lines under these junior prelates' hands, posted to court, and suggested to Canterbury that there was no danger to be apprehended, the old bishops being merely timorous men, who were afraid without cause, 'and that if his grace would move the king to lay his commands upon him, he should upon his life carry through the business without any stir.' That Laud was so moved with Traquair's representations, particularly as he brought letters from those Scottish prelates with whom he (Laud) corresponded most, 'that, albeit, he thought not fit that a work of that nature should be committed to a laic, yet procured to himself a warrant from the king, to command the bishops, upon all hazards, to go forward in it, threatening them withal, that if they lingered in it longer the king would turn them out of their places, and fill the same with vigorous and resolute men,

who would not be afraid to do him service.' Surely he who proceeded in this arbitrary manner was little to be moved by the obstinacy of the Scottish bishops. He who could rely upon his ability in guiding his master to appoint prelates who would not be afraid to do him service, must have been able previously to nominate such as he could fully trust; and the younger bishops were all of his recommendation. 'The younger bishops,' continues our author, 'were overjoyed at the warrant, but the wise old bishops were of another mind, and thought more than they spake; however, now they had nothing left them but either to do or die. Whereupon (and being mightily encouraged by the treasurer's ample promises of assistance, and sharing in their lot), they did cast away their fear and went to work. And indeed it is remarkable that thereafter they acted so far contrary to those rules of prudence and policy whereby they had been accustomed to manage their affairs, that all men began to espy a fatality in it. For they laboured not (as formerly they had done in lesser matters) to have their book brought in by an ecclesiastical sanction; but having gotten it authorised by an act of council, proceeded without more ado to urge the practice thereof. Whereby they provoked against themselves the most part even of those ministers that were episcopal in their judgment, who thought it a very sad matter that a liturgy should be imposed upon the church without the knowledge and consent of the church; and judged it such a dangerous preparative, that thereby the civil power might, in after times, introduce anything (though never so hurtful to religion), and the church never get one voice in it.'—pp. 14—18. The reader will judge how far this authorises Mr. Laing's statement.

The other authority referred to by Mr. Laing is Laud's own account in what are called his *Troubles*, which are evidently nothing else than notes of his defence, and consequently the worst authority imaginable. But it does not support Mr. Laing's statement.

'When I was first bishop of London, his majesty expressed a great desire which he had, to settle a liturgy in the church of Scotland, and this continued in agitation many years.' 'In the year 1633, his majesty went into Scotland, and was crowned there; I attended his majesty in that service. *The parliament then sitting in Scotland was very quick about some church affairs*, and the king was very unsatisfied with some men and their proceedings. At his majesty's return in the same year, I was, by his special grace and favour, made archbishop of Canterbury 19 Setembris. The debate about the Scottish liturgy was pursued afresh, and at last it was resolved by the king, that *some Scottish bishops should draw up a liturgy as near that of England as might be*; and that then his majesty would have that confirmed and settled for the use of that kingdom. The liturgy was carefully considered of, and at last printed and published, an. 1637. It seems *the bishops which were trusted with this business went not the right way*, by a general assembly and other legal courses of that kingdom,' &c. —p. 75. In another place he says, 'that the Scottish bishops, *some of them*, did often say that the *people would be better satisfied by much*, to have a liturgy composed by their own bishops, as this was, than to

have the service-book of England put upon them.'—pp. 113, 114. In what he called a true narrative concerning the Scottish service-book, of his own handwriting, bound in the Tower by Prynne, he says that the bishop of Ross, Maxwell, called upon him in 1629, and informed him that he had received instructions from the king about a liturgy; that he, Laud, urged strenuously that if his majesty would have a liturgy, it should be the English entire, but that the other insisted that a new liturgy, differing in some things from the English, would be more agreeable to his countrymen, and that his brethren were of the same opinion; that the king was for the English without alteration; that the matter was allowed to rest for two or three years, but that the Scottish bishops, still pressing for a separate liturgy, as more likely to be acceptable to their countrymen, it was agreed to; and that his majesty commanded him (Laud) to render them all the assistance he could.—Prynne's *Necessary Introd. to Laud's Trial*, p. 155.

The Scottish commissioners founded upon fourteen letters written by Laud to Scotland upon this business, and other documents which fully establish that, from the very beginning, he interfered with the Scottish church in every particular; that the canons and liturgy were sent to him, written on one side only; that he made many alterations (and by a document under his own hand, discovered by Prynne, it appears that these included all the points chiefly objected to as extracted from the mass-book.—*Necess. Introd.* p. 156 *et seq.*). That he encouraged the few Scottish prelates who were trusted with the subject, to prosecute the business; and that one in particular, Bellenden, bishop of Dunblane, fell under the royal displeasure, and missed preferment, for not pursuing the prescribed innovations in worship in the chapel royal, &c. Now Laud neither does nor could deny all this; but he makes a defence to this purpose; that he was ordered by his majesty to render all the assistance in his power to the Scottish prelates; that he could not refuse obedience to his majesty's commands, but that he impressed upon the Scottish prelacy to do nothing except according to law; and that he ever recommended quiet measures instead of rigorous proceedings.—See his *Troubles, Answer to Scottish Charge*. Now, it appears incontestably by his own statements, letters, &c., and other authorities, that *some* only of the Scottish bishops were trusted in the business, and these *some*, by other authorities, appear to have been only three or four (Baillie, vol. i. p. 4) of his own nomination too, and in high civil appointments, &c., the chief of them being the Bishop of Ross, his tool; that because the wisest among the Scottish prelates, who were the majority also, were averse to an undertaking so repugnant to the feelings of their countrymen, they were threatened with being turned out of their places, &c.; and that every suggestion of Laud was attended to, and his alterations carried by him authoritatively: the question then is, Whether he must not be esteemed the prime mover? He selected the few Scottish bishops whom he chose to entrust with the business, and he could only select them because they were fitted for the occasion. On the same principle that he threatened the majority, he would have changed the few. With regard to his advice to do nothing against the laws, and his pretended

regret that matters were not submitted to an assembly, it implies a degree of effrontery which could not have been expected even from Laud. The principle ever advanced by him was, that the royal power was uncontrollable; and if in England he claimed a *divine right* (independently of the civil) *for the church*, in other words, the prelates, he, to accomplish his own object, took a different ground in Scotland, and made canons, attributing a divine, indefeasible power to the king, while he always denied that the ecclesiastical establishment of Scotland, of which general assemblies were fundamental parts, was reconcilable with the constitution of a Christian church. He knew the opposition which the articles of Perth, and likewise those regarding the Scottish church in the year 1633, had met in Scotland, and the unjust proceedings that then, and afterwards, took place in regard to them; and it required small logic to conclude that, if the sanction of the legislature were necessary for minor points, it must have been for greater; and that if these lesser points excited such a ferment, the greater must rouse something more terrible. Indeed, his friend and creature Juxon wrote, that the canons which he sent down would make a greater noise than all the cannons of Edinburgh Castle.—See these letters in Prynne's *Necess. Introd.*; *The Scottish Charge* in Nalson and Rushworth; *Laud's Troubles*; and some of the originals in Advocate's Library. They are also published by Hailes, who appears to have fallen into a mistake in supposing that the letters were not produced. They were not produced with the charge, according to the Scottish practice; and Laud calls for them in his answers; but the commissioners declare they would produce the autographs in evidence. Laud's allegation that he advised to do nothing against the laws, is absurd on another ground: the canons and liturgy, as the greatest innovations, were necessarily against the existing law; for they were in fact new laws, imposing the severest penalties, &c., and if the king could impose them without the legislature, &c., then he necessarily centered in his own person the whole legislative power; and nothing can be against law which the supreme power of the state, whence all law emanates, wills by a new promulgation. In one of his letters, too, he advises Traquair, in one case, to find out some expedient '*how the law may be by some just exposition helped till the state shall see cause to abolish it.*' In that very letter he condemns the bishops 'for disclaiming the book as any act of theirs, but as it was his majesty's command.' '*'Tis most true, the king commanded a liturgy, and it was time they had one.*' (Then the king had the power, and nothing could be done against law.) '*They did not like to admit of ours, but thought it more reputation for them (as indeed it was) to compile one of their own, yet as near as might be, and they have done it well. Will they now cast down the milk they have given, because a few milkmaids have scolded at them? I hope they will be better advised: certainly they were very ill-advised when they spake thus at the council-board.*'—Prynne's *Necess. Introd.* pp. 165, 166; Rush. vol. ii. p. 390. His pretence of having ever inclined to pacific measures is equally uncandid. For it appears uncontestably, that he always urged on violent measures, was intimate with all those perfidious counsels in which Marquis Hamilton acted

(Burnet's *Mem.* p. 507), and afterwards was instrumental in furnishing pretexts for annulling the acts of the Assembly and Parliament, after the pacification of Berwick, thus involving the island in the calamity of a new war. The two following extracts—the first from a letter by Wentworth to him, and the other by Laud to Wentworth—set matters in a strong light. 'It was ever clear in my judgment,' says Wentworth, 'that the business of Scotland, so well laid, *so pleasing to God and man, had it been effected*, was miserably lost in the execution, yet could never have so fatally miscarried, if there had not been a failure likewise in the direction, occasioned either by over-great desires to do all quietly without noise; by the state of the business misrepresented; by opportunities and seasons slipt, or by some such like, &c.' 'Nevertheless, in my opinion, that error would not be seconded with a far greater, which would be, indeed, more grievous, more terrible; for should these rude spirits carry it thus *from the king's honour* to their own churlish wills, it would have a most fearful operation, I fear, as well upon England as themselves, therefore God Almighty guide his majesty's council and strengthen his courage. For if he master not them, and this affair tending so much and visibly to the tranquillity and peace of his kingdoms, to the honour of Almighty God, I shall be to seek for any probable judgment what is next like to befall us at after.'—Straff. *Let. and Disp.* vol. ii. p. 250: Letter, dated 27th November, 1638. Laud answers: 'Indeed, my lord, the business of Scotland, *I can be bold to say without vanity*, was well laid, and was a great service to the crown as well as God himself. And that it should so fatally fail in the execution is a great blow as well to the power as honour of the king. And your lordship is most right in saying there was a failure in the direction. For the truth is, there was too great a desire there to do all without noise, and there was undoubtedly a great misrepresentation of the business itself there; and some seasons and opportunities slipt, and that more than once, and the easy suffering of oppositions too common in a hundred men and more. But these three last, by your lordship's leave, were all errors about the execution, not the direction; but the first of these mentioned by you was indeed an error in the direction, and a great one; but I could not help it. *For such of the bishops of Scotland as were trusted with it were all for the quiet way, and that fitting his majesty's disposition, I was not able to withstand it*, and indeed must have been thought very bold, had I taken upon me to understand the course of that church and kingdom better than they. But the main failure in the direction, if I mistake not, was that the lords of that council were not thoroughly dealt with by the king, and their judgments more thoroughly sifted, before anything had been put in execution. And, I am confident, all had gone well enough, if Traquair had done his duty. But he thought he had all in a string; and out of a desire to disgrace some bishops, did not only suffer, but certainly underhand do, some things, which let all loose, and quite out of their imagined power to recall. And this was the greatest bane of the business which I have been able to observe, next to the over-much confidence which the king would still put in him, notwithstanding some bishops still informed how false and un-

worthy his carriage was. *And that which follows, I wholly agree with you, that since it is come to this height, if his majesty do not master them and bring them under obedience, the first error will be so far seconded with a greater, as that the consequence may be, God knows what; such I am sure as I hold not fit to prognosticate.*' In a preceding paragraph he complains of the want of vigour in the military preparations.—*Straff. Let. and Disp.* vol. ii. pp. 264, 265: 29th December, 1638. The part which the Scottish bishops acted is clear; but just let it be considered that this is the language of the man who, forsooth, always recommended pacific measures, and advised to do nothing against law; submission, indeed, would have brought peace. As to law, had he mistaken it at first, he must have known it now; or, at least, ought not to have interfered in recommending bloody measures against the complaints of the Scots, that their laws were violated.

It is singular that an alteration was also made by him on the Irish canons, in regard to auricular confession, and that Wentworth approved of it.—*Id.* p. 195. Laud himself writes to Wentworth, 'the Irish canon, in that particular, is much better than ours.'—p. 212. The quibbling of Laud and his followers on this head was remarkable. They maintained that private confession was a proper duty, and that the priest could grant absolution from all sins; but this was not the Popish confession; for it was not imposed as a necessary duty upon the conscience, to reveal every sin, as the sinner might himself sustain any particular one he chose. Really the difference is trifling, and the Popish the best. For, if a confession obtain absolution, why should it not be of all sins; and complete? The priest, as the servant of God, is imposed upon otherwise; and his absolution, as fraudulently obtained, should not be valid. See Heylin's *Introduction to Laud's Life*; *Laud's Trial* by Prynne; *His Troubles*; Dow's *Innovations unjustly charged upon the present Church and State*, p. 55, ed. 1637. With regard to the real presence, he maintained that the body and blood were really and truly substantially present, yet he pretended to deny the corporeal presence; which is as much as this—that there is the presence of the body, but not the body's presence. 'We believe, indeed,' said the Scottish clergy, 'that my Lord Canterbury doth but juggle with the world in his fair and ambiguous generalities, being content to inveigh as much against Popery and innovation as we could wish, upon hopes, ever when it comes to any particular of the grossest Popery we can name, by his subtile distinctions and disputations to slide out of our hands.'—*The Canterburian's Self-Conviction*, written in March, and printed in April, 1640, p. 6.

It may easily be conceived that a very few only of the letters written by Laud to Scotland fell into the hands of the Covenanters, (indeed, it is wonderful that there were so many,) and the following extract from one by him to Wentworth, dated 3rd July, 1634, fully proves it. 'I was fain to write nine letters yesterday into Scotland. I think you have a plot to see whether I will be *Universalis Episcopus*, that you and your brethren may take occasion to call me Anti-Christ.'—*Straff. Let. and Disp.* vol. i. p. 271.

After the first passage from Mr. Laing's history, the reader will be surprised at the following from the same source:—'They,' (the Scots)

says he, 'had some foundation for their accusation against Laud, who had usurped a patriarchal authority over the church, and from whom the liturgy and canons had originated; the source of their discontent, and the sole cause of their recourse to arms.'—p. 193. Surely this author had composed in great haste, when he is so inconsistent on such a subject.

The reader will recollect, that Laud lost the confidence of James by urging him to impose a liturgy in 1617.

Laud showed warrants from Charles, authorising his interference with Scottish affairs; but he was accused of having only procured them to screen himself, when he perceived that he would be called to account.—Prynne's *Necess. Introd.* p. 156. Yet, however this may be, there can be no doubt that Charles was, all along, acquainted with every movement; and that, therefore, as Laud could, at any time, have got warrants of the tenor of those produced, the act of antedating them afterwards was the most innocent of all frauds. The truth is, that Charles chose him as a fit instrument, and that he again stirred up the king to proceed to extremities. We are told by Mad. de Motteville, and that, at least, shows the understanding of foreigners, that the object was to introduce Popery by degrees; that Scotland was begun with as most likely to be quiescent, and that Charles showed the liturgy to the queen before he sent it off, to satisfy her how near it approached to the Catholic faith.—*Mém. par Mad. de Motteville*, tom. i. pp. 242, 243, ed. Amsterdam, 1750. Wentworth's doctrine of the divine uncontrollable right of kings may be farther seen in his letters to the Earl of Argyle in relation to this subject.—*Straff. Let. and Disp.* pp. 210, 246, 299.

NOTE B.

The Examination of Colonel Goring, taken June 19, 1641.

To the first Interrogatory.—He saith, that in *Lent* last, (as he remembers,) about the middle of it, Sir John Suckling came to him on *Sunday* morning, as he was in his bed; and this examinee conceiving he had come to him about some businesse of money that was betweene them; and thereupon falling upon that discourse, Sir John Suckling told him he was then come about another businesse, which was to acquaint him, that there was a purpose of bringing the army to *London*, and that my Lord of *Newcastle* was to be generale, and hee, this examinee, lieutenant-generale, if he would accept of it. And further said, that hee should hear more of this businesse at court: to which this examinee answered only this, Well then I will goe to the court; which was all that passed between them at that time, to the best of this examinee's remembrance.

To the second.—He cannot depose.

To the third.—He saith, that as he was coming in his coach in the street, out of the *Covent Garden* into *Saint Martin's Lane*, he met there

Master *Henry Jermyn*, who was likewise in a coach; and seeing this examine sent his footman to him, desiring him to follow him, because he would speake with him; which this examine did: and Master *Jermyn* going a little further alighted, and went into a house, (to which house, as this examine was but yesterday informed, Sir *John Suckling* did then usually resort,) and thither this examine followed him, and coming after him to the top of the stayres, M. *Jermyn* said to him, He had somewhat to say to him concerning the army, but that this was no fit place to speak of it, and desired him to meet him that evening at the court, on the queen's side, which this examine accordingly did; and meeting Master *Jermyn* in the queen's drawing chamber, he was there told by him, That the queen would speak with him, and thereupon Master *Jermyn* brought him into the queen's bed-chamber. But before this examine could enter into any discourse with the queen, the king came in, and then this examine did withdraw, and went away for that time;* but returned again the same night, and met Master *Jermyn* again on the queen's side, who told him that he must necessarily meet with some officers of the army, to heare some propositions concerning the army. The next day, being Monday, this examine came again to the court in the afternoon, and went into the queen's drawing-chamber, where her majesty then was, who was pleased to tell him that the king would speak with him, and bade him repaire to the room within the gallery, into which room the king soon after came; and his majesty asked him if he was engaged in any cabals concerning the army: to which he answered, That hee was not: Whereupon his majestie replied, I command you then to joyne yourselfe with *Percy*, (here his majesty is directly implicated) and some others whom you will find with him. And his majestie likewise said, I have a desire to put my army into a good posture, and am advised unto it by my Lord of Bristol: which was the effect of what passed between the king and this examine at that time.† This examine meeting afterwards with Master *Jermyn*, Master *Jermyn* told him that they were to meet that evening at nine of the clocke with Master *Percy*, and some others at Master *Percies* chambers; and accordingly Master *Jermyn* and he went thither together, and there found Master *Percy* himselfe, Master *Wilmot*, Master *Asburnham*, Master *Pollard*, Master *Oneal*, and Sir *John Bartley*; Master *Percy* then, in the first place, tendered an oath to this examine and Master *Jermyn*, the rest saying they had taken that oath already. This oath was prepared in writing, and was to this effect, That they should neither *directly nor indirectly disclose anything of that which should be then said unto them, nor think themselves absolved from the secrecy enjoyed by this oath, by any other oath which should be afterwards taken by them.* They having taken the oath, Master *Percy* declared, That they were resolved not to admit of any body else into their councils: and Master *Jermyn* and this examine moved, that Sir *John Suckling* might be received amongst them;

* Compare this with what is given by *Percy* as the substance of the first petition.

† That seems to have been Sunday, the 4th of April—Mid-Lent Sunday.

which being opposed by the rest, after some debate, it was laid aside : and some speech there was of Sir *John Suckling* his being employed in the armie ; but how it was agreed upon this examine doth not remember.

After this, Master Percy made his propositions, which he read out of a paper, which were to this effect,—That the army should presently be put into a posture to serve the king, and then should send up a declaration to the parliament of these particulars, viz. That nothing should be done in parliament contrary to any former act of parliament, which was explained ; That bishops should be maintained in their votes and functions, and the king's revenue be established. From these propositions, none of Master Percies company did declare themselves to dissent. Then came into consideration, if the army should not immediately be brought to *London*, which, as this examine remembers, was first propounded by Master Jermyn ; and also the making sure of the Tower. These things this examine did urge, to show the vanity and danger of the other propositions, without undertaking this. In the conclusion, this examine did protest against his having any thing to do in either designe ; for the proof of which he appeals to the consciences of them that were present, and so parted with them. About this businesse, this examine saith, that they had two meetings, and cannot distinguish what passed at the one, and what at the other : but the result of all was as he formerly declared ; further than which he cannot depose.

To the fourth.—He can say no more than he hath already said.

To the fifth.—He saith, that the very day that Sir *John Suckling* first moved this unto him, he gave some touch of it to my Lord *Dungarvan*, and the day after the second meeting at Master Percies chamber, he discovered it to my Lord of Newport, and desired him to bring him to some other lords, such as might be likeliest to prevent all mischief ; and, accordingly, the next day my Lord of Newport brought him to my Lord of *Bedford*, my lord *Say*, and my Lord *Mandevil*, to whom he imparted the mayn of the businesse, but not the particulars in regard of his oath, and desired them to make use of it as they should see cause, for the safety of the commonwealth, but not to produce him ; nor name any person, except there were a necessity for it. He further saith, that he did, at the same time, make a protestation unto those lords of his fidelity unto the commonwealth, and of his readinesse to run all hazards for it.

GEORGE GORING.

*Master Percies Letter written to the Earl of Northumberland,
June 14, 1641.*

What with my own innocency, and the violence I hear is against me, I find myself much distracted. I will not ask your counsell, because it may bring prejudice upon you, but I will, with all faithfulnessse and truth, tell you what my part hath bin, that at least I may be cleared by you, whatsoever becomes of me.

When there was 50,000 pound designed by the parliament for the English army,* there was, as I take it, a sudden demand made by the Scots, at the same time, of 25,000 pound, of which there was but 15,000 pound ready. This they pressed with so much necessity, as the parliament, after an order made, did think it fit for them to deduct 10,000 pound out of the fifty formerly granted,† upon which the soldiers in our house were more scandalized, amongst which I was one; and sitting by Wilmot and Ashburnham, Wilmot stood up and told them, if such papers as that of the Scots would procure moneys, he doubted not but the officers of the *English* army might easily do the like; but the first order was reversed, notwithstanding, and the 10,000 given to the Scots. This was the cause of many discourses of dislike amongst us, and came to this purpose, that they were disoblged by the parliament, and not by the king. This being said often one to another, we did resolve, that is Wilmot, Ashburnham, Pollard, Oneale, and myself, to make some expression of serving the king in all things he would command us, that were honourable for him and us, being likewise agreeable to the fundamentall lawes of the kingdome, that so farre we should live and die with him. This was agreed upon by us, not having any communication with others, that I am coupled now withall; and further, by their joynt consent I was to tell his majesty thus much from them; but withall I was to order the matter so, as that the king might apprehend this as a great service done unto him at this time, when his affairs were in so ill a condition; and they were most confident that they could engage the whole army thus far; but farther, they would undertake nothing, because they would neither infringe the liberties of the subject nor destroy the laws, to which I and every one consented; and, having their sence, I drew the heads up in a paper, to which they all approved when I read it; and then we did by an oath promise to one another to be constant and secret in all this, and did all of us take that oath together. Well, sirs, I must now be informed what your particular desires are, that so I may be the better able to serve you, which they were pleased to do; and I did very faithfully serve them therein, as far as I could. This is the truth, and all the truth, upon my soul. In particular discourses after that, we did fall upon the petitioning the king and parliament for money, there being so great arrears due to us, and so much delays made in the procuring of them; but that was never done.

The preserving of bishops' functions and votes.

The not-disbanding of the *Irish* army until the *Scots* were disbanded too.

* The Journals prove, beyond all question, that that sum was voted on the 10th of February.

† The same unquestionable authority establishes that the Memorial from the Scots was dated the 3rd of March, and submitted to the two Houses on the 5th and 6th. The new orders were made on the last of these days; that is, just three days less than two months

from the promulgation of the plot—viz. the 3rd of May; yet the transcript from the letter was laid before the Commons on the 14th. But the substance of it was communicated to that House on the 12th, so that the 14th is not the date of the document itself, but denotes that on which it was received as evidence.

The endeavouring to settle his revenue to that proportion it was formerly ; and it was resolved by us all, if the king should require our assistance in these things, that, as far as we could, we might contribute thereunto without breaking the laws of the kingdom ; and, in case the king should deny these things being put to them, we would not fly from him.*

All these persons did act and concur in this as well as I. This being all imparted to the king by me from them, I perceived he had bin treated with by others concerning some thing of our army, which did not agree with what we proposed, but inclined a way more high and sharp, not having limits either of honour or law. I told the king he might be pleased to consider with himself which way it was fit for him to hearken unto. For us, we were resolved not to depart from our grounds, and if he employed others we should not be displeased whosoever they were ; but the particulars of their designe, or the persons, we desired not to know, though it was no hard matter to guesse at them ; in the end, I believe, the dangers of the one, and the justice of the other made the king tell me he would leave all thoughts of other propositions but ours, as things not practicable, but desired notwithstanding that *Goring and Jermyn, who were acquainted with the other proceedings, should be admitted amongst us*. I told him I thought the other gentlemen would never consent to it, but I would propose it ; which I did, and we were all much against it ; *but the king did presse it so much, as at the last it was consented unto, and Goring and Jermyn came to my chamber* ; there I was appointed to tell them, after they had sworne to secrecy what we had proposed, which I did ; but before I go on to the debait of the ways I must tell you, Mr. Jermyn and Goring were very earnest Suckling should be admitted, which we did all decline ; and I was desired by all our men to be resolute in it, which I was, and gave many reasons ; whereupon I remember Master *Goring* made answer he was so engaged with Suckling he could not go or do any thing without him. Yet in the end, so that we would not oppose *Suckling* his being employed in the army, that for his meeting with us they were contented to passe it by. Then we took up again, the ways were proposed which took a great debait, and theirs, (I will say,) differed from ours in violence and height, which we all protested against and parted, disagreeing totally ; yet remitting it to be spoken of by me and Jermyn to the king, which we both did. And the king, constant to his former resolution, told him that all those ways were vain and foolish, and would think of them no more. I omitted one thing of Master *Goring*, he desired to know how the chief commanders were to be disposed of, for if he had not a condition worthy of him, hee would not go along with us ; † we made answer that nobody had thought of that, we intending, if we were sent down, to go all in the same capacity wee were in ; he did not like that by no means, and upon that did work so by M. *Chidley* that there was a letter sent by some of the commanders to make

* Compare this with the pretended copy of the petition published long afterwards by Charles ; the text does not contain a particle of this matter.

† Here is a clue to the disclosure by Goring, corroborating Madame de Motteville's account.

him lieutenant-general, and when he had ordered this matter at London, and M. Chidley had his instructions, then did he go to Portsmouth pretending to be absent when this was a working; we all desired my Lord of *Essex*, or my Lord of *Holland*, and they (if there were a generall) Newcastle. They were pleased to give out a report I should be general of the horse; but I protest neither to the king or any one else did I ever so much as think of it; my Lord of *Holland* was made generall, and so all things were laid aside; and this is the truth, and all the truth I know of all these proceedings; and this I do and will protest upon my faith; and *Wilmot*, *Asburnham*, and *Oneal* have, at several times, confessed and sworn, I never said any thing in this business, they did not every one agree unto and would justifie. This relation I send you rather to inform you of the truth of the matter, that you may know the better how to do me good; but I should think myself very unhappy to be made a betrayer of any body; what concerned the Tower or any thing else I never meddled withall, nor never spoke with Goring but that night before them all; and I said nothing but what was consented unto by all my party. I never spoke one word to *Suckling*, *Carnarvon*, *Davenant*, or other creature; mee thinks if my friends and kindred knew the truth and justice of this matter, it were no hard matter to serve me in some measure.*

DIE MARTIS, 10 Maii, 1641.

The Examination of Captain James Chudleigh.

To the first Interrogatory and to the second.—This deponent saith, that about March and April last† hee was at Burrowbridge, where divers officers and commanders of the army met, to whom he used some speeches concerning the parliament; that hee saw no probability that the army would be suddenly paid by the parl. because they had promised so much to the king and to the Scots, as well as to the army; but that the king did commiserate their case and said, that if they would be faithful to him, he would pawn his jewels rather than they should be unpaid; and saith further, that he knows of such a letter sent by the army to my Lord of Northumberland,‡ to be shewed to the parliament, and that he told them at that meeting, that the parliament was much displeased with that letter; and that those who subscribed it should be sent for up, particularly that my Lord of *Essex* and my Lord of *Newport* had expressed much dislike of that letter, and of them who had sent it, and said that they had forfeited their necks.§ Which he had

* Does not this letter clearly implicate the king? Yet see the impudent strictures in his name.—Clar. vol. i. p. 405-6.

† If language is to be relied upon, surely this is a contradiction to Clarendon.

‡ The letter from the army to the

lord general—exhibited to the House of Lords on the 22nd of March (*Journals of Lords*, vol. iv. p. 194)—here spoken of, was the cause of much excitement in the House.

§ As the letter was laid before the Upper House on the 22nd of March, it follows that the interval between that

from Sir John Suckling, Master Davenant, and (as he conceives) from Sergeant-major Willis; and this he declared to those officers, as giving them an account of his journey, and the service in which they had employed him.

To the third.—He saith he hath answered before.

To the fourth.—That Sergeant-major Willis told him upon the way, as they were in their journey down into the North, that Colonell Goring was a brave gentleman, and fit to command the army, and that the king had a good inclination to him, that he should be lieutenant-general; and saith further, that before he came out of London, Sir John Suckling had likewise highly commended him, and said he was fitter to command in chiefe, than any man hee knew, and that the army was not now considerable, being without a head, and indeed was but a party (Colonell Goring being away) who commanded a brigado, and that they did undiscreeitly to shew their teeth except they could bite; which the said Sir John Suckling wished him to declare unto the army, saying he could not do a better service to the officers who had employed him, than to let them know it; whereupon he did acquaint them with it accordingly.

To the fifth.—That Sir John Suckling brought him into some roomes of the queen's side at Whitehall, where Master Jermyn and he had private conference together, and often times looked towards this deponent. Sir John Suckling afterwards told him, that the king would be pleased if the army would receive Colonell Goring to be their lieutenant-generall, and said that M. Henry Jermyn said so.

To the sixth.—That Master Davenant told him, that things were not here as they were apprehended in the army, for that the parliament was so well affected to the Scots, as that there was no likelihood the army should have satisfaction so soon as they expected it.

To the seventh.—That when hee brought the letter from the army, hee met with Master Davenant, who told him it was a matter of greater consequence than he imagined, and thereupon brought him to Master Henry Jermyn, and Master Jermyn told him hee heard hee brought such a letter, and asked to see a copy of it, which the deponent did shew unto him, and Master Jermyn asked if he might not shew it to the queen, and offered to bring this deponent to her, which hee excused himselfe of, lest hee should have anticipated my lord generall from shewing the letter first himselfe.

To the eighth.—That after he had brought up that letter, he staid some eight or nine days in London, before he returned down to the army.

To the ninth.—That Sergeant-major Willis told him most of the noble gentlemen of England would shew themselves for the army; and that the French that were about London would receive commanders from them, to join with them; and, besides, that there would a thousand horse likewise be raised to come to their assistance, which horse at last he confessed were to be found by the clergy.

day and the day of promulgation of the plot—the 3rd of May—was just
 forty-one days. Yet the plot was con-
 cealed by the popular party for three months.

To the tenth.—That Sergeant-major Willis said moreover, that the army would be very well kept together, for that the prince was to be brought thither, which would confirm their affections; which this deponent did declare at Burrowbridge unto the officers, and doth believe Willis did the like; and Willis told them also, that if my Lord of Newcastle was their generall, he would feast them in Nottinghamshire, and would not use them roughly, but they should be governed by a council of war.

To the eleventh.—That both Sergeant-major Willis and this deponent did persuade the officers at that meeting to write a letter to Colonell Goring, which was to let him know that they would heartily embrace him to be their lieutenant-general, if it was his majestie's pleasure to send him down, which letter was subscribed by Colonell Fielding and Colonell Vavasour, and divers others; and was by him brought to London upon Monday, where, not finding Colonell Goring, he delivered it to Sir John Suckling, who carried it to the king, and afterwards brought him to kiss the king and queen's hands; and within a day or two returned the letter to him againe, which letter this deponent, the Saturday after, carried down himselfe to Colonell Goring to Portsmouth.

To the twelfth.—That there was likewise a letter written to Master Endymion Porter, assigned by Colonell William Vavasour and Colonell Fielding, which was to this effect, to desire him to inform his majestie, that the army was very faithfull to him, and no doubt need be made by his majestie concerning their proceedings. This letter Sir John Suckling would not have to be delivered, but took it himself, for that he said Master Porter knew nothing of the king's intentions.

To the fourteenth.—That when he came to Portsmouth, Colonell Goring shewed him the strength of that place, and told him that if there should be any mutiny in London, the queen meant to come down thither for her safety, and that she had sent him down money to fortify it.

To the fifteenth.—That what he learned from Sergeant-major Willis, hee got from him by degrees, as he urged it from him by way of discourse; and that Willis, Sir John Suckling, and Mr. Davenant, did all of them give him great charge to keep things secret, and to be very carefull to whom he communicated anything, which he accordingly observed; for he dealt with the officers there severally.

JAMES CHUDLEIGH.

This examination taken in the presence of us, ESSEX, WARWICKE, P. HOWARD, W. HOWARD.

DIE MARTIS, 18. Maii.

The Second Examination of Captaine Chudleigh, 1641.

To the thirty-first.—That at the meeting at Burrowbridge, he declared unto the officers something out of a paper which he read, and

told them that he had received it from Mr. Jermyn, and that Mr. Jermyn had received it from the king. And hee said likewise, that some others about the king were acquainted with it, named Mr. Endymion Porter, to whom he thought the king had declared in this business.

To the thirty-fourth.—That Mr. Jermyn asked him if hee thought the army would stick to their officers, in case the king and parliament should not agree, or words to that effect.

He saith further, that he had set downe all those things in writing, which hee declared to the officers at Burrowbridge, and thought to have sent it down to them; but upon better consideration he went himselfe, and read it to them out of that paper, but severally, and not to them all together: And particularly, that he had read it to Lieutenant-colonell Ballard, and to Lieutenant-colonell Lunsford: that he did not acquaint them all with it, and the reason why he did not, was because he conceived some were of more judgment than others, and fitter to be trusted with matters of secrecie.

JAMES CHUDLEIGH.

ESSEX, WARWICKE, W. SAY and SEAL, HOWARD.

The Examination of Thomas Ballard, Lieutenant-colonell to the Lord Grandison, taken May 18, 1641.

To the nineteenth.—That he did meet at Burrowbridge, being sent to by Captain Chidley, and none other; but he found there Sergeant-major Willis, and divers other officers of the army. This was some time in April last, as he remembereth.

To the twentieth.—That Mr. Chidley did propound to him certaine propositions, which, as he affirmed, hee did receive from Mr. Henry Jermyn, and from another great man which hee might not name. Capitaine Chidley further said, that Mr. Jermyn told him that hee received those propositions from the king; but Chidley told him further, that when hee kissed the king's hand, his majestie said nothing to him of any such propositions. The first proposition was, that he should not acquaint either Sir Jacob Ashley, or Sir John Conyers, with any thing of this designe. The second, that if there were occasion, the army should remove their quarters into Nottinghamshire, where the Prince and the Earl of Newcastle should meet them with a thousand horse, and all the French that were in London should bee mounted, and likewise meet them. These propositions were read by Captain Chidley out of a paper which he said hee had written himself, thinking to have sent them downe; but upon better consideration, he brought them down himselfe: That they likewise should desire that Colonell Goring should be the lieutenant-generall to the army. There was likewise offered a paper to this effect, as he was then told, that if the king would send Colonell Goring to be lieutenant-generall, they would accept of him; which paper he, this examinatur, refused to read, or set his hand to it, but heard

that divers others signed it. He further saith, that there was no other paper propounded to him to be signed, nor to any other to his knowledge. He further saith, that this was not delivered to the officers in publique, but severally.

He likewise saith, that presently after, Colonell Vavasour said publicly, that hee never consented to these propositions in his heart, and desired that there might be a meeting immediately, whereupon they agreed upon a meeting at York the Wednesday following; at which meeting they generally concluded not to interesse themselves in any of those designs that had been propounded to them by Captaine Chidley; and they presently writ by the post to Captaine Chidley to London, that if hee had not delivered the paper, he should prepare to deliver it.

THOMAS BALLARD.

The Examination of Captain Legg, taken May 18, 1641.

To the nineteenth Interrogatory.—He saith, that hee heard of a meeting at Burrowbridge, but was not there present, but was present at another meeting at York, not long after, where he was told that the king was not well satisfied with the affections of the officers to his service; and therefore it was thought fit to make a declaration of their readinesse to serve his majestie; which declaration was accordingly drawn, but not finding any great cause for it, it was after torne. He further saith, that the night before the meeting at Burrowbridge, he spoke with Captain Chidley at York, who perswaded him to go to Burrowbridge, where he had propositions to impart to the army; but this examinatur, refusing to goe, he would not acquaint him with them at that time, but told them that divers lords and officers of the army were fallen off from the king, namely, the Earle of Essex, the Earle of Newport, Commissary Willmott, Colonell Ashburton, and others, which this examinee so much dialiked, that they forbore any further discourse.

WILL. LEGG.

N.B.—This was Legg's second examination (see *Journals of Commons* for 10th May, 1642, vol. ii. p. 577).

The Examination of Colonell Vavasour, taken May 29, 1641.

That at the meeting at Burrowbridge, Serjeant-major Willis and Captaine Chidley, or one of them, told the officers there that the parliament had taken great offence at the letter which they had written up to my Lord of Northumberland; and that those who had subscribed it should be questioned, and that there was small hopes of money from the parliament for the present.

That the king would take it very well if he might receive assurance from them that they would accept of Colonell Goring for their lieutenant-generall, and wished that the army were united.

When the king had this assurance from them, there should come a generall that would bring them money: this they said they had good commission to deliver unto them, having received it from Mr. Henry Jermyn and Sir John Suckling. He likewise saith, Captaine Chidley spake it with more confidence, and Serjeant-major Willis rather as having heard it from others. He further saith, there was a letter written to Colonell Goring, for to let him know if the kinge would send him downe with a commission to be lieutenant-generall, they would willingly receive him, and this letter was proposed unto them by Captaine Chidley and Serjeant-major Willis. There was another letter written to Master Endimion Porter, which, as he remembers, was to let him know, that though the army was now commanded by Sir Jacob Ashley, yet if that it were his majestie's pleasure to appoint Colonell Goring to be lieutenant-generall, they were confident the army would receive him the better, being only subscribed by Colonell Fielding and himselfe. And further saith, that he heares this letter was never delivered, for that Sir John Suckling told Master Chidley that Master Porter was a stranger to the businesse.

COLONELL VAVASOR.

This examination taken before us,

MANDEVILLE, HOWARD, PH. WHARTON.

N.B.—This colonel is, I think, the same whom, amongst others, Hollis on the 12th of January, 1641-2, reports for a committee in arms at Kingston-upon-Hull (*Journals of Commons*, vol. ii. p. 373).

CHARLES R.

COLONELL GORING—These are to command you to provide with all speed a ship for this bearer, to carry him to *Diepe* or *Calais*, or any other port of *France*, that the winde may be good for; and if there be any of my ships or pinnances ready to goe forth, you shall command the captain or master of such ship or pinnance to receive him and his servants, and carry him into France, for which this shall be a warrant to the captain or master you may employ, and hereof you nor they are not to faile, as you or they will answer the contrary, at your perills.

Given at Whitehall, this 14th of May, 1641. To our trusty and well beloved servant, GEORGE GORING, governour of Portsmouth.

The Examination of Captain William Legg, taken upon oath before the Lords' Committees, upon Saturday, October 30, 1641.

To the first Interrogatory.—Saith, that hee doth know Master Daniel Oneale, who was serjeant-major to Sir John Coniers; but doth not certainly remember the precise time of his going from the army to *London*, nor of his return back, but beleeves he returned about June and July.

To the ninth.—That he was at *Yorke* when the said Master Oneale returned thither from *London*, and can say no more to this ninth interrogatory.

To the tenth.—That there was a petition prepared to be delivered to the parliament from the army, which consisted of many particulars, as to show how much they suffered for want of martiall law, and for want of pay, and because their principal officers were not amongst them; and they did likewise set forth in it that, as the wisdom of the King did cooperate with the parliament, so they did hope the parliament would doe something concerning the king's revenue; but saith, hee doth not remember what the particular was which was desired; and further, that they heard of great tumults about *London*, and therefore offered themselves to serve the king and parliament with the last drop of their bloods. Hee saith that this petition was approved of by all the officers that saw it, but was laid aside till further consideration should be had of the manner of the delivery; that himself was afterwards sent for to *London*, by order of the House of Commons, and was examined; and, after his examination, when he saw there was no further use to be made of that petition, he burnt it.

He further saith, that he staid in this town some five or six days, and was with the king, and had some speech with his majesty about a petition to come from the army, and gave him an accompt of the petition that was formerly burnt, and there he received another petition to the same effect with the other, but handsomelier written, upon which there was a direction indorsed to this purpose: This petition will not offend; yet let it not be shown to any but Sir Jacob Ashley.

He further saith, there was no name to this direction, but only two letters; but what those letters were he will not say, nor cannot sweare who writ those two letters, because he did not see them written.

He saith that he did deliver the same paper with a direction to Sir Jacob Ashley, and told him withall, here is a paper with a direction, you know the hand, keepe it secret, I have shewed it to nobody; if there be no occasion to use it, you may burne it; and saith he spake no more of it to him till after my Lord of Holland's coming down to be generall, and then he spake to him to burne it.

WILLIAM LEGG.

N.B.—*Journals* for May 10, 1642. This was Legg's third examination.

The Examination of Sir Jacob Ashley, taken before the Lords' Committees, October 29, 1641.

To the first Interrogatory.—He saith that he hath knowne Serjeant-major Daniel Oneale very long, and that he was long absent from the army the last summer, but knowes not at what time he did returne, nor knowes not how long it was that he stayed in the army before his going to the Low Countries, but thinks it to be about three weekes.

To the second.—He saith, that Mr. Oneale told him, after his coming downe last, that things being not so well betwixt the king and parliament, hee thought a petition from the army might doe very much good, and asked him, if a draught of such a petition were brought unto him, whether he would set his hand unto it: the particulars which he desired to have the army received in, were the want of martial law, want of pay, and for words spoken in the House of Parliament against the army, as that the city was disaffected to the king's army, and would rather pay the Scots than them.

To the third.—He cannot answer.

To the fourth.—He cannot answer.

To the fifth.—He saith that he received a letter by the hands of Captain Legg, the tenour whereof, as farre as he remembers, was to this effect, the letter being written in two sides of paper, and somewhat more: First, that divers things were pressed by parties to infuse into the parliament things to the king's disadvantage, and that divers tumults and disorders were neere the parliament, to the disservice of the king. Divers other particulars were contained in this letter; and, in the close of this letter, it was recommended to this examinee that he should get the hands of the officers of the army to such a declaration, to be sent to the parliament, and that this would be acceptable to the king. Hee further saith, he knowes not of whose handwriting it was, nor who delivered it to Captain Legg.

To the seventh.—He saith, that Mr. Oneale telling him of the dislikes which were betweene the king and the parliament, and of those things which were done to the disadvantage of the king, they must fight with the Scots first, and beat them, before they could move southward; and that done, they must spoyle the country all along as they goe; and when they doe come to *London*, they would find resistance by the parliament, and the Scots might rally and follow them; to which Oneale replied, what if the Scots would be made neutrall? This examinee then said, that the Scots would lay him by the heeles, if he should come to move such a thing; for that they would never break with the parliament.

Presently replied, I wondred that counsellis should be so laid as had been spoken of, of the marching of the army to the south.

To the eighth Interrogatory.—He further sayes, that there was, at the end of the letter, a direction to this effect: Captain William Legg, I command you that you shew this letter to none but Jacob Ashley. Above this direction were set these two letters, C. R.

JACOB ASHLEY.

The Examination of Sir John Coniers, taken upon oath before the Lords' Committees, upon Friday, October 29, 1641.

To the first Interrogatory.—He saith, that he knowes very well Master Daniel Oneale, who was serjeant-major to his regiment; that the said Oneale came up to London about November last, and returned to the army about Midsummer.*

To the second.—That Oneale, after his return to the army in summer, spake twice unto this examinee of a petition to be sent from the army to the parliament, and told him that, because they did not know it himselfe would consent unto it, they would first petition him that he would approve of it, but that as yet there were but few hands to that petition, which was to be preferred to him, and therefore would not show it him.

To the fourth.—That the said Oneale used persuasions to this examinee that he would serve the king; that, if he did not, he should be left alone, and would but ruine himself; for that all the troops under him were that way enclined: That, therefore, he should adhere to the king, and goe those ways that the king would have him, or words to that effect.

To the fifth.—That he saw a paper containing some directions for a declaration to be subscribed unto by the officers of the army, which paper was in Sir Jacob Ashley's hand: he saith it was long, containing two sides of a sheet of paper, or thereabout; the effect whereof was something concerning martiall law and better payment for the army, together with some other particulars; that it was to be directed to the parliament; and that there were two letters, viz. C. R., at the end: That he doth not know who brought it unto Sir Jacob Ashley, but that both of them were very much troubled at it. He saith farther, that there was a direction at the end of the writing that nobody should see it but Sir Jacob Ashley; and the two letters C. R. were, as he remembers, to that direction, but whether before or after that direction he cannot affirme.†

To the seventh.—That he never heard Master Oneale himself speak of his going to *Newcastle*, but that he heard it from others; and, as he takes it, from his wife, the Lady Coniers; and that, whosoever it was told him so, told him withall that Oneale himselfe said so.

The Second Examination of Sir John Coniers, taken before the Lords' Committees, upon Saturday, October 30.

To the fourth Interrogatory.—That Master Oneale said to him, that if he, this examinant, had been well known to the king, the king would have written to him, and therefore he conceived this examinant should

* Here the time of Oneale's absence and return are distinctly marked.

† Compare this with the pretended copy published by Charles.

doe well to write unto the king; to which he replied, that he could not serve the king in that point; and therefore he thought it would be of no use to trouble the king with his letters.

To the fifth.—That the paper mentioned in his former examination to have been seen by him in Sir Jacob Ashley's hand, contained directions for a petition to be presented to the king and parliament, in which was a clause to this effect: That whereas all men ought to give God thanks for putting it into the king's heart to condescend to the desires of the parliament, not only to deliver up unto them many of his servants and others, who were neere unto him, to be at their disposing, but also to doe many things, which none of his ancestors would have consented unto, as giving way to the trienniall parliament, and granting many other things for the good of his subjects; yet, notwithstanding some turbulent spirits, backt by rude and tumultuous mechanick persons, seemed not to be satisfied, but would have the totall subversion of the government of the state; that therefore the army, which was so orderly governed, notwithstanding they had no martiall law, and ill payment, and but few officers, being of so good comportment, might be called up to attend the person of the king and parliament, for their security.* This examinant further saith, that there were many other passages in this petition, which hee doth not now remember, only that there was some expression of a desire that both armies should be disbanded for the ease of the kingdome; and likewise a direction to procure as many of the officers hands as could be gotten.

To the seventh.—That he remembers well that it was not his wife, but Sir Jacob Ashley, that said to him those words: Oneale goes, or else Oneale, saith he, will goe to Newcastle; but which of the sayings it was, he doth not well remember, but saith he replied to it that Oneale said nothing to him of that.

This examinant further saith, that hee took occasion upon these passages from *O'Neal*, to command him and Sir John Bartlet, and all other officers, to repair to their quarters, to be ready to perfect their accounts with the country against the time they should be called for.

Jo. CONIERS.

The Examination of Sir Foulke Hunks, taken before the Lords' Committees, upon Friday, October 29, 1641.†

To the first Interrogatory.—He saith, That he doth well know Master Daniel O'Neale, who was serjeant-major to Sir John Coniers: that he went from the army to London about the time that the king came out of the North to the parliament; and that he returned againe to the army, about that time, when Commissarie Wilmot and other souldiers were committed by the parliament.‡

* Compare this with the pretended copy of the petition published by Charles.

† See *Journals*, June 14.

‡ The *Journals* prove the commit-

ment of these persons to have been the 14th of June. Thus affording the best of all evidence as to the time.

To the second.—That the said O'Neale perswaded him, this examinant, to take part with the king, or something to that purpose; and that thereupon this examinant acquainted the lieutenant-general with it, and presently repaired to his own quarter, to keep his souldiers in order, where he staid not above two or three dayes, till he heard that O'Neale was fled. Hee further saith, that O'Neale dealt with him to have the troopes move; to which he replied, that he had received no such direction from his superiours, nor from the king. And that then he offered him a paper, and pressed him to sign it; whereupon hee, this examinant, asked if the generall, or lieutenant-general, had signed it; to which O'Neale answering they had not, hee said that he would not be so unmannerly as to sign any thing before them, and refused to reade it. He saith likewise, that Captaine Armstrong was present at the same time, and that O'Neale offered it to him, who looking upon the examinant, this examinant did shake his head at him, to make a sign that he should not doe it, and withall went out of the roome; and Armstrong afterwards refused it, giving this reason, that he would not signe it when his colonell had refused it, which he told this examinant.

To the third.—Hee saith, that O'Neale told him he had very good authority for what he did; but did not tell him from whom.

To the seventh.—That Mr. O'Neale told him he was to goe to the Scottish army, but saith he doth not know for what end and purpose he would goe thither; for that this examinant shunned to have any thing more to doe with him.

FOULK HUNKS.

The Examination of Sir William Balfour, Lieutenant of the Tower, taken June 2.

To the first Interrogatory.—He saith, he was commanded to receive Captaine Billingsley into the Tower with 100 men, for securing of the place, and that he was told they should be under his command.

To the second Interrogatory.—He saith, the Earl of Strafford told him it would be dangerous in case he should refuse to let them in.

To the third.—He referreth himselfe to the former depositions of the three women taken before the constable and himselfe: and further saith, that the Earl of Strafford himselfe, after he had expostulated with him for holding Mr. Slingsby at the Tower gate; and after telling the said earle he had reason so to doe, in regard of what the women had deposed, by which it appeared there was an escape intended by his lordship; himselfe acknowledged he had named the word *escape* twice or thrice in his discourse with Mr. Slingsby, but that hee meant it should be by the king's authority, to remove him out of the Tower to some other castle: and he did aske Mr. Slingsby where his brother was and the ship.

To the fourth Interrogatory.—This examinant saith, the Earl of Strafford sent for him some three or foure dayes before his death, and

did strive to perswade him that he might make an escape, and said, for without your connivance I know it cannot bee; and if you will consent thereunto, I will make you to have 20,000 pounds paid you, besides a good marriage for your sonne. To which this examinant replied, he was so farr from concurring with his lordship, as that his honour would not suffer him to connive at his escape; and withall told him, he was not be moved to hearken thereunto.

W. BALFOUR.

Ex. in presence of us, ESSEX, WARWICKE, L. WHARTON, MANDEVILLE.

James Wadsworth lies at the Half Moone in Queen Street; at Cocket's House, a Joyner, divers Officers lie, which is the next door.

Die Martis, 4 Maii, 1641.

Coll. LINDSEY,
Capt. KIRK.

James Wadsworth,

He saith that one ancient Knot told him severall times the last week, that Sir John Suckling was raising of officers for three regiments for Portugall; and saith, that he, this examinant, was at the Portugall ambassadour's on Sunday last, and then the ambassadour told him that he knew not Sir John Suckling, nor any thing at all of Sir John Suckling's raising of men for Portugall; and the ambassadour himselfe had no commission to treat for any men till he heard out of Portugall.

Tuesday, May 11, 1641.

The Examination of John Lanyon.

Hee was upon Easter eve last, and severall times since, troubled by Captain *Billingsley* to enter into an expedition for Portugall with Sir *John Suckling*. And when this examinant told him that he was his majesty's servant, and could not goe without leave, Captaine *Billingsley* bid him take no care, for that he should have leave procured; and further desired him to get as many canoneers as he could.

This examinant doubting whether they were reall in that designe, repaired to the Portugall ambassadour's, and there understood from his secretary that hee was willing to have men, but they knew neither Sir *John Suckling* nor Captaine *Billingsley*; neither had they from them any commission to raise men.

Hee likewise saith, that Captain *Billingsley* did after sollicite this examinant to come to Sir *John Suckling*; and that upon Sunday was se'ennight last Sir *John Suckling* and Captaine *Billingsley*, with many other officers, repaired unto his house in the afternoone, and there staid

two hours at least; the examinant not coming in, they left a note hee should be with them that night at Sparagus Garden at supper; whereof this examinant failing, Captaine Billingsley comes again to his house on Monday morning, and not finding him there, left word that he must needs come to the Covent Garden, to Sir *John Suckling's* lodging, which accordingly he did; but not finding him there, the same day he was with Captaine *Billingsley* at the Dog Tavern in *Westminster*, at which time he did farther appoint this examinant upon Wednesday, to promise Sir *John Suckling* a meeting at the Dolphin, in Gray's-Inn Lane, about nine of the clock in the forenoone, where, the same day, came some thirty more, which were appointed by Sir *John Suckling* and Captaine *Billingsley*; but neither Sir *John Suckling* or *Billingsley* came, only there came one and gave them money, and so dismist them for the present.

This examinant further saith, That Captaine *Billingsley* having notice that he had some store of arms of his owne, told him, Sir *John Suckling* would buy them all if he pleased to sell them.

Captaine *Billingsley* likewise told this examinant that Sir *John Suckling* had furnished himselfe for money, and all the company.

JOHN LANTON.

Quarto die Marti, 1641.

Elizabeth Nutt, wife of *William Nutt* of Tower Street, *London*, merchant, and *Anne Bardsey* of Tower Street, aforesaid, widow, say, that they being desirous to see the Earl of *Strafford*, came to *Anne Vyner*, wife of *Thomas Vyner*, clerk to the lieutenant of the Tower, whose lodging being near to the king's gallery, where the said earle useth to walke, carried them to a back doore of the said gallery, the said earle with one other being then walking. And they three being then there, and peeping through the key-hole, and other places of the doore, to see the said earle, did heare him and the said other party conferring about an escape as they conceived, saying, that it must be done when all was still, and asked the said party where his brother's ship was, who said she was gone below in the river; and heard them say, that they three might be there in twelve houres, and doubted not to escape, if something which was said concerning the lieutenant of the Tower were done; but what that was, as also where they might be in twelve houres they could not heare, by reason that when they walked further off they could not perfectly heare. And the said *Mrs. Nutt* and *Mrs. Bardsey* say, that they heard the said earle then say, that if this fort could be safely guarded or secured for three or foure moneths, there would come ayde enough; and divers other words tending to the purposes aforesaid, which they cannot now remember.

And further, all of them say, that they heard the said earle three times mention an escape, saying, that if any thing had been done, his majestie might safely have sent for him; but now there was nothing to be thought on but an escape; and heard the said other partie telling his lordship, that the outward gates were now as surely guarded as

those within. To whom the said earle said, the easier our escape that way, pointing to the east, if the said party and some others should obey the directions of the said earle: But what those were they know not; but heard the said party answer, they would do any thing his lordship should command.

ANNE VYNER.
ANNE BARDSEY.

Signum,
ELIZ. E. N. NUTT.

These depositions are presented as they were published by the parliament, along with 'the Declaration or Remonstrance of the Lords and Commons in parliament assembled, May 19, 1642.' I have taken them from Husband's *Collection*, 1643.

In a previous declaration presented to Charles at Newmarket, the Lords and Commons, in stating their causes of jealousy, use this language: 'The manifold attempts to provoke your majestie's late army, and the army of the Scots, and to raise a faction in the city of London, and other parts of the kingdom: That those who have been actors in those businesses have had their dependence and encouragement from the court; wnesse the treason whereof Master Jermyn and others stand accused, who was transported beyond sea by warrant under your majestie's hand, after your majestie had laid a strict command upon all your servants that none of them should depart the court.'—*Ib.* p. 98.

To this Charles answers thus: 'For Master Jermyn, it is well known that he was gone from Whitehall before we received the desire of both Houses for the restraint of our servants, neither returned hee thither, or passed over by any warrant granted by us *after that time*.'—*Ib.* p. 108. The warrant the reader will find amongst the depositions above, in p. 594-5.

The Lords and Commons reply thus: 'We doe not affirme that his majestie's warrant was granted for the passage of Master Jermyn, after the desire of both Houses for restraint of his servants, *but only that he did passe over after that restraint by virtue of such a warrant. We know the warrant beares date the day before our desire, yet it seemes strange to those who know how great respect and power Mr. Jermyn had in court, that hee should begin his journey in such haste, and in apparell so unfit for travaill as a black sattin suit and white boots, if going away were designed the day before*.'—*Ib.* p. 200.

These depositions, &c. sufficiently prove the dangerous nature of the conspiracy; and yet it is evident that the witnesses did not, in their anxiety to save their credit at court, give quite an accurate account of the particulars. Had their depositions been liable to question by the king, he, as having been grossly slandered, had a direct interest in the punishment of his defamers, and ought never to have trusted the witnesses more; yet most of them were all along treated by him as his most confidential servants. Legg was designated honest Will Legg. The object of the king was to screen them all from punishment; and when he found his expectations of accomplishing his purpose so far frustrated

by parliament, he vowed vengeance against that assembly. 'I hope,' says he, in an apostile to a letter from Nicholas, informing him of the apprehension, &c. of Sir John Berkeley and Capt. O'Neale, 'I hope some day they may repent their severities.' Note. The letters were returned with these apostiles or directions.—Append. to Evelyn's *Mem.*, 'Correspondence between K. Charles I. and Sir Edward Nicholas,' p. 26. See also p. 7, 8, 9, 10, in proof of his extreme desire to screen the individuals implicated.

Clarendon, who pretends that there was only one petition ever prepared, and gives what he is pleased to call a copy of the original, in another place informs us, that Chudleigh 'being then a very young man, and of a stirring spirit, and desirous of a name, had expressed much zeal to the king's service, and been busy in inclining the army to engage in *such petitions and undertakings as were not gracious to the parliament*. But, when that discovery was made by Mr. Goring, as is before remembered, and a committee appointed to examine the combination, this gentleman, *wrought upon by hopes or fears*, in his examination, said much that was disadvantageous to the court, and therefore bringing no other testimony with him to Oxford *but of his own conscience*, he received nothing like countenance there.'—*Ibid.* vol. iii. p. 272. What Charles and his advisers expected of this witness, may be inferred from his treatment of Northumberland, because *he would not perjure himself to save Strafford*. Clarendon eulogises the generosity of Chudleigh's temper.—*Ib.* The noble historian, too, in afterwards giving an account of Daniel O'Neil, who had been a courtier very early, had received the best education, to which he joined the most insinuating address, and had a competent fortune, says, in relation to the army-plot, 'that when the parliament grew too imperious, he entered very frankly into those new designs which were contrived at court, with less *circumspection* than both the season and the weight of the affair required. And in this combination, in which men were most concerned for themselves, and to receive good recompense for the adventures they made, he had either been promised, or at least encouraged by the queen to hope to be made groom of the bedchamber, when a vacancy should happen.'—Vol. iv. p. 610-11. Is not this a full admission of what he elsewhere so confidently denies? See also *Supplement to State Papers*, 'Character of Sir John Berkeley' (called Bartley in the depositions), vol. iii. p. 74.

The following passage from Clarendon's *Life* by himself, which is referred to by us, may properly be given here. 'After the king came to Oxford with his army, his majesty one day speaking with the Lord Falkland very graciously concerning Mr. Hyde, said he had such a peculiar style, that he could know anything written by him if it were brought to him by a stranger, amongst a multitude of writings by other men. The Lord Falkland answered, he doubted his majesty could hardly do that, because he himself, who had so long conversation and friendship with him, was often deceived, and often met with things written by him, of which he could never have suspected him, upon the variety of arguments. To which the king replied, he would lay him an *angel*, that, let the argument be what it would, he should never bring him a sheet of paper (for he would not undertake to judge of less)

of his writing, but he would discover it to be his. The Lord Falkland told him it should be a wager; but neither the one nor the other ever mentioned it to Mr. Hyde. Some days after, the Lord Falkland brought several packets, which he had then received from London, to the king, before he had opened them, as he used to do; and after he had read his several letters of intelligence, he took out the prints of diurnals, and speeches, and the like, which were every day printed at London, and as constantly sent to Oxford. And amongst the rest, there were two speeches, the one made by the Lord Pembroke for an accommodation, and the other by the Lord Brooke against it, and for the carrying on the war with more vigour, and utterly to root out the courtiers, which were the king's party.—The king was very much pleased with reading the speeches, and said he did not think that Pembroke could speak so long together, though every word he said was so much his own, that nobody else could make it. And so, after he had pleased himself with reading the speeches over again, and then passed to other papers, the Lord Falkland whispered in his ear (for there were other persons by) desiring him he would pay him the *angel*, which his majesty in the instant apprehending, blushed, and put his hand in his pocket, and gave him an *angel*, saying, he had never paid a wager more willingly; and was very merry upon it, and would often call upon Mr. Hyde for a speech or a letter, which he very often prepared upon several occasions; and the king always commanded them to be printed. And he was often wont to say, many years after, that he would be very glad he could make a collection of all those papers which he had written occasionally at that time, which he could never do, though he got many of them.—*Life*, vol. i. pp. 69, 70, 136, 137.

Surely such an individual ought to be regarded as a very suspicious authority for statements in a history which he undertook, as himself informs us, at the express desire of the king, '*and for his vindication.*'—*Hist.* vol. iv. p. 627; see also *Life*, vol. i. pp. 103—202. But his numerous contradictions, and palpable misstatements, which we expose throughout our work, set his veracity as an historian at rest.

Madame de Motteville, who informs us that she had her information from the queen herself (tome i. p. 251), gives an account of the army-plot as having been carried on at the desire of the king and queen, and been meritorious in itself.—*Id.* p. 252 *et seq.* She justly ascribes the disclosure by Goring to his disappointment in the command.

END OF THE SECOND VOLUME.

